

VERBATIM ¹RECORD OF TRIAL ²

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

[REDACTED]

(Social Security Number)

PFC/E-3

(Rank)

Headquarters and

Headquarters Company,

United States Army Garrison

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

¹ Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

² See inside back cover for instructions as to preparation and arrangement.

4. The administrative burden of investigating or prosecuting the accused or the burden of the court-martial process on the unit or the military is not admissible aggravating evidence under RCM 1001(b)(4). *U.S. v. Stapp*, 60 M.J. 795 (A. Ct. Crim. App. 2004), *aff'd* 64 M.J. 179 (C.A.A.F. 2006).

Conclusions of Law Generally:

1. Determinations of whether evidence offered in aggravation is directly related to or resulting from the offenses of which the accused has been found guilty and whether aggravation evidence of significant adverse impact on the mission, discipline, or efficiency of the command is a direct and immediate result from the accused's offenses are fact specific inquiries. The nature of the offenses that the accused has been convicted of and the amount of time necessary for aggravating circumstances relating directly to or resulting from his offenses to manifest themselves are appropriate considerations for these inquiries.

2. RCM 1001(b)(4) sets forth examples of permissible aggravating evidence. In this case aggravating evidence may include adverse impact to the United States government and any United States agency or mission that has been directly affected by the accused's offenses or by WikiLeaks disclosures of the information communicated to them by the accused.

3. Risk of damage or harm to the national security of the United States and any United States agency or mission that directly relates to or results from the accused's offenses or WikiLeaks disclosures of the information communicated by the accused is proper aggravation evidence under RCM 1001(b)(4).

Monetary Expense and Use of Resources Testimony:

1. Steps taken by the United States government, and agencies therein, to mitigate potential damage caused by public dissemination of information given to WikiLeaks by the accused is proper aggravation. The resources and costs associated with taking these mitigation steps is directly related to the accused's offenses and is admissible aggravation evidence under RCM 1004(b)(4).

2. The Court has received aggravation evidence involving the Information Review Task Force (IRTF) and the Department of State (DOS) Persons at Risk working group. The IRTF was established via the 5 August 2010 order by then Secretary of Defense, Robert Gates (AE 631). All of the bulleted taskings in the order involve assessing damage caused by the accused's offenses. This is not evidence related to investigating the accused's misconduct or the administrative burden of the court-martial process. The IRTF was established to assess damage to the United States and is independent of any decision to investigate or prosecute the accused. Similarly, the DOS Persons at Risk working group was formed to determine whether there were identifiable persons at risk of violence committed against them or incarceration based on the WikiLeaks disclosures of purported DOS cables provided to them by the accused. This group had nothing to do with the investigation or prosecution of the accused.

3. Testimony received from BG (Ret) Carr and Mr. Kirchhofer regarding the creation of the IRTF, its mission and resourcing, and how it functioned is proper aggravation evidence under RCM 1001(b)(4). The testimony received from Ambassador Kozak regarding the creation of the DOS Persons at Risk working group, its mission and resourcing, and how it functioned is also proper aggravation evidence.

Chain of Events Testimony

1. The Court agrees that there comes a point at which there have been so many additional intervening events or links in the chain between the accused's offenses and the ensuing risk or harm that the ensuing risk or harm is no longer directly related to or a direct result of the accused's offenses. *U.S. v. Rust*, 41 M.J. 472, 478 (C.A.A.F. 1995). However, the fact that there has been an intervening event or decision does not automatically absolve the accused from responsibility if his offenses played a material role in creating the risk of damage or harm or contributed in causing the ensuing risk or harm. *U.S. v. Lawson*, 33 M.J. 946, 959-960 (N.M. Ct. Crim. App. 1991) *aff'd* 36 M.J. 414 (C.A.A.F. 1993). Whether intervening events played the only important role in causing a risk or harm is a case specific factual determination.

2. Both the IRTF and the DOS Persons at Risk group were created to assess what damage occurred from the accused's offenses and what mitigation measures were necessary to address that damage. The testimony by BG (Ret) Carr, Mr. Kirchhofer, and Ambassador Kozak regarding the findings of the IRTF and DOS Persons at Risk group and the steps taken by these entities to mitigate the risk of damage and actual damage identified in the findings is a direct result of the accused's offenses and is proper aggravation evidence. The decision by Secretary Gates to establish the IRTF and any similar decision made by DOS to establish the Persons at Risk group were not intervening causes that changed the resulting risk of damage or actual damage caused by the accused's misconduct.

3. The Court considered the testimony in closed session given by Principle Deputy Assistant Secretaries (PDAS) Dibble and Feeley. The Court finds that their testimony provided concrete examples of harm caused as a direct result of the accused's offenses that occurred shortly after publication of particular purported cables released by WikiLeaks. The decisions made by foreign officials in the aftermath of publication did not constitute an intervening cause that played the only important role in causing the harm. The actions of the accused leading to the disclosures by WikiLeaks directly resulted in the decisions made by the foreign officials as set forth in the testimony. The testimony of PDAS Dibble and PDAS Feeley is proper aggravation under RCM 1001(b)(4).

4. Ms. Swart's testimony centered around the evolution of the DOS Net-Centric Diplomacy (NCD) Database and the impact of the accused's misconduct on interagency access to NCD. The Court finds her testimony involves impact directly resulting from the accused's misconduct. It is admissible aggravation evidence under RCM 1001(b)(4).

"Could" Cause Damage Testimony

1. This is really the same thing as risk of damage or harm to the United States which the Court finds is admissible aggravation evidence provided the risk of damage or harm directly relates to or results from the accused's offenses. This determination is also a fact specific determination for each witness or exhibit proffered by the Government.

2. BG (Ret) Carr's and Mr. Kirchhofer's testimony regarding the IRTF's resourcing, missions, and operations is proper aggravation evidence under RCM 1001(b)(4).

3. BG (Ret) Carr's testimony regarding how the IRTF identified a need to warn families of Soldiers with medical data that the information might be released by WikiLeaks is proper aggravation evidence, however, the Court will disregard his speculation that families may have to relive tragic events if the information was released. The Court will also disregard BG (Ret) Carr's testimony regarding the Taliban killing.

4. BG (Ret) Carr's testified that WikiLeaks' publication of over 90,000 CIDNE-A sigacts and over 380,000 CIDNE-I sigacts given to WikiLeaks by the accused disclosed TTPs, human sources, and other information that, taken collectively, reveals how the United States conducts operations and shows what information the United States knew or didn't know at the time. These risks to national security caused by disclosure of information given to WikiLeaks by the accused is proper aggravation evidence because it is evidence of risk created as a direct result of the accused's offenses.

5. BG (Ret) Carr's expert testimony regarding degradation in information sharing with the United States and between the United States and foreign partners and coalition forces is proper aggravation evidence because the degradation in information sharing was a direct result of the accused's offenses.

6. Ambassador Kozak was properly qualified as an expert in United States efforts to foster democracy abroad and human rights concerns. He opined that the accused's offenses caused, and will continue to cause, a chilling effect on people making them afraid to come forward and foster democracy abroad and human rights concerns is speculative and inadmissible aggravation evidence. The Court will disregard it.

MRE 403 analysis.

BG (Ret) Carr, Mr. Kirchhofer, Ms. Dibble, Mr. Feely, Ms. Swart and Ambassador Kozak were properly accepted as experts. The probative value of their testimony is not substantially outweighed by the danger of unfair prejudice under MRE 403. This is a judge alone trial. The Court will confine its consideration of any hearsay admitted through these witnesses to its proper purpose of evaluating the expert's opinion in accordance with MRE 703.

Conclusions of Law – Procedure Forward.

1. The Court cannot determine if Government proffered evidence is admissible aggravation under RCM 1001(b)(4) unless the Court knows what the evidence is. If this were a trial before members, the Court would address these issues by holding an Article 39(a) session outside the

presence of the members with each witness. The Court would hear the testimony, argument from counsel, and rule on what, if any, of the testimony was admissible as aggravation evidence under RCM 1001(b)(4). Since this case is a judge alone trial, there are no Article 39(a) sessions during the trial. The Court acts in its interlocutory capacity to evaluate what evidence should be introduced and in its sentence imposing authority when considering only appropriately admitted evidence for its proper purpose.

2. The following procedure will be followed for all remaining Government witnesses for whom the Government intends to qualify as an expert:

a. The Government will begin by identifying the scope of expertise for which the Government seeks to qualify the expert followed by the ultimate opinion the Government seeks from the expert.

b. The Defense may object and voir dire the witness after the Government lays the foundation for the witness.

c. The Government may lay the foundation for the expert's opinion to include any admissible evidence in accordance with MRE 703. The Government will not introduce any hearsay or other facts or data that is not admissible evidence in support of the expert opinion.

d. The Defense may object during the scope of the witness' testimony and articulate the reason(s) for the objection.

e. The Court will listen to the evidence in its interlocutory capacity. The Court will summarily rule on clearly inadmissible testimony. After the witness has testified, the Defense will identify for the Court the areas of testimony the Defense finds objectionable and why. There may be a need for a classified supplement.

f. The Government will provide the Court with its position regarding each Defense objection.

g. The Court will examine the testimony and rule on each objection lodged by the Defense. When acting in its sentence imposing role, the Court will not consider any testimony or evidence ruled to be inadmissible aggravation evidence.

h. Unless either party wishes to rely on additional legal authority not briefed in the filings for this motion, the list and response need state only the objections and reason the testimony or evidence should/should not be admitted.

So **ORDERED** this 5th day of August 2013.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

**RULING: Defense Motion
To Merge Charges as
Unreasonable Multiplication
of Charges for Findings
and Sentence**

6 August 2013

On 30 July 2013, the Defense filed three motions to merge specifications for unreasonable multiplication of charges (UMC) for findings and sentence (AE 626-628) seeking the following relief:

1. Merge specifications 4 and 6 of Charge II for findings because the stealing, purloining, or knowing conversion (SPKC) of both the CIDNE-Iraq (CIDNE-I) and CIDNE-Afghanistan (CIDNE-A) databases were one transaction.

2. Merge specifications 5 and 7 of Charge II for findings because the accused communicated the CIDNE-I and CIDNE-A databases as one transaction.

3. Merge the following categories of specifications for sentencing:

a. Article 134 (18 U.S.C. §641) with Article 134 (18 U.S.C. §793(e)) and Article 134 (18 U.S.C. § 1030(a)(1)) offenses as the SPKC and communication involve the same databases:

(1) Specifications 4 and 5 of Charge II: the CIDNE-I database containing more than 380,000 records belong to the United States government and Specifications 6 and 7 of Charge II: the CIDNE-A database containing more than 90,000 records belonging to the United States government;

(2) Specifications 8 and 9 of Charge II: the United States Southern Command database containing more than 700 records belonging to the United States government;

(3) Specifications 12 and 13 of Charge II: the Department of State Net-Centric Diplomacy (NCD) database containing more than 250,000 records belonging to the United States government; and

b. Article 134 (18 U.S.C. § 641) and Article 92:

(1) Specification 8 of Charge II: the United States Southern Command database and Specification 2 of Charge III involving a violation of a lawful general regulation by adding unauthorized software to a Secret Internet Protocol Router Network computer;

(2) Specification 12 of Charge II: the Department of State Net-Centric Diplomacy database and Specification 3 of Charge III involving a violation of a lawful general regulation by adding unauthorized software to a Secret Internet Protocol Router Network computer;

(3) Specification 16 of Charge II involving a portion of the United States Forces – Iraq Microsoft Outlook / Sharepoint Exchange Server Global Address List belonging to the United States government and Specification 4 of Charge III involving a violation of a lawful general regulation by using an information system in a manner other than its intended purpose.

On 1 August 2013, the Government filed a response to each of the three defense motions (AE 632-634) opposing the Defense motions except for the Motion to consider specifications 5 and 7 of Charge II as UMC for sentencing and specification 4 of Charge III as UMC for sentencing with specification 16 of Charge II.

The Law:

1. Military law recognizes the concepts of UMC for findings and UMC for sentencing. Non-exclusive factors considered by courts in determining whether offenses are a UMC for findings or sentence include whether: (1) each charge and specification is aimed at distinctly separate criminal acts; (2) the number of charges and specifications misrepresent or exaggerate the accused's criminality; (3) the number of charges and specifications unreasonably increases the accused's punitive exposure; and (4) there is any evidence of prosecutorial overreaching or abuse in the drafting of charges. *United States v. Quiroz*, 55 M.J.334 (C.A.A.F. 2001).

2. Charges that are not a UCM for findings may a UCM for sentencing where the nature of the harm requires a remedy that focuses more appropriately on punishment. *United States v. Campbell*, 71 M.J. 19 (C.A.A.F. 2012).

3. Successive withdrawals of funds from different accounts through stolen automatic teller machine cards are separate offenses even if the withdrawals occurred at substantially the same time and place. *U.S. v. Aquino*, 20 M.J. 712 (A.C.M.R. 1985); *see also U.S. v. Kulathungam*, 1999 WL 35021445 (Army Ct. Crim. App. 1999).

Conclusions of Law:

UMC for findings - merge specifications 4 and 6 of Charge II and specifications 5 and 7 of Charge II:

1. **Specifications 4 and 6 of Charge II.** PFC Manning had the specific intent to deprive the Government of the use and benefit of the records at the time he extracted the CIDNE-I sigacts on or about 3 January 2010. PFC Manning had the specific intent to deprive the Government of the use and benefit of the records at the time he extracted the CIDNE-A sigacts, on or about 7 January 2010. The Court does not find that PFC Manning stole and purloined the CIDNE-I and CIDNE-A sigacts on the same day. Even if the Court did find that the stealing and purloining of the CIDNE-I and CIDNE-A sigacts occurred on the same day, the logic of *Aquino* and *Kulathungam* is persuasive. As in these cases, PFC Manning had to access separate databases to

extract the CIDNE-I and CIDNE-A sigacts. These were successive access/extractions that constitute separate and distinct 18 U.S.C. §641/Article 134 offenses for findings under the first *Quiroz* factor. The charges do not misrepresent or exaggerate PFC Manning's criminality or unreasonably increase his punitive exposure. There is no evidence of prosecutorial over-reaching. The Defense motion to merge specifications 4 and 6 of Charge II for findings is denied.

2. Specifications 5 and 7 of Charge II.

(a) The parties agree that PFC Manning transmitted the CIDNE-I and CIDNE-A records on the same day. The gravamen of the 18 U.S.C. §793(e)/Article 134 offenses in specifications 5 and 7 of Charge II, is the willful transmission of national defense information to a person not entitled to receive it. Specification 5 of Charge II charges the willful transmission of the portion of CIDNE-I database containing more than 380,000 records belong to the United States government. Specification 7 of Charge II charges the willful transmission of the portion of the CIDNE-A database containing more than 90,000 records belonging to the United States government. These are separate matters of defense information. The transmission of each constitutes a violation of 18 U.S.C. §793(e)/Article 134, UCMJ under the first *Quiroz* factor. The fact that the transmissions may have occurred at the same time or simultaneously is irrelevant for unreasonable multiplication of findings analysis. Charging the volume of national defense information transmitted from both the CIDNE-I and CIDNE-A databases in two separate specifications does not misrepresent or exaggerate PFC Manning's criminality or unreasonably increase his punitive exposure. The prosecution has not over-reached in charging PFC Manning as it has in specifications 5 and 7 of Charge II. Considering all of the *Quiroz* factors, the Court does not find specifications 5 and 7 of Charge II a UMC for findings. The Defense motion to merge these offenses for findings is denied.

(b) The Government does not object to the Court treating these offenses as one for sentencing. As such, the Court will treat specifications 5 and 7 as a UMC for sentencing.

UMC for sentencing - merge specifications 4, 5, 6, and 7 of Charge II, specifications 8 and 9 of Charge II, specifications 12 and 13 of Charge II, and specifications 2, 3, and 4 of Charge III with specifications 8, 12, and 16 of Charge II respectively. The *Quiroz* factors apply differently to determining whether there is a UMC for findings and for sentencing.

(a) The Government concedes that specification 4 of Charge III is UMC for sentencing with specification 16 of Charge II. In this case, PFC Manning committed the Article 92 violations in specifications 2 and 3 of Charge III as part of a connected chain of events involving the SPKC offenses in specifications 8 and 12 of Charge II, respectively. For sentencing purpose, the Court applied the *Quiroz* factors and finds each pair of specifications (specification 2 of Charge III/specification 8 of Charge II; specification 3 of Charge III/specification 12 of Charge II; specification 4 of Charge III/specification 16 of Charge II) a UMC for sentencing.

(b) With respect to the 18 U.S.C. §641/Article 134 offenses in specifications 4, 6, 8, and 12 of Charge II and the 18 U.S.C. §793(e)/Article 134 offenses in specifications 5, 7, and 9 of Charge II and the 18 U.S.C. §1030(a)(1)/Article 134 offense in specification 13 of Charge II, the

Court finds that the 18 U.S.C. §793(e)/Article 134 and the 18 U.S.C. §1030(a)(1)/Article 134 transmission offense involve the same or a subset of the records that formed the *res* of the 18 U.S.C. §641/Article 134 SPKC offenses. The Court ruled in AE 78 that these specifications were not a UMC for findings. Under the unique facts of this case, the Court applies the *Quiroz* factors and finds that punishing specifications 4, 6, 8, and 12 of Charge II separately from specifications 5, 7, 9, and 13, respectively, of Charge II unreasonably increases PFC Manning's punitive exposure. As such, the Court will treat each pair of specifications (4 and 5 of Charge II; 6 and 7 of Charge II, 8 and 9 of Charge II, and 12 and 13 of Charge II) as one for sentencing purposes. These offenses are not a UMC for findings, thus merger of the offenses is not appropriate. Each specification remains as a stand-alone offense for findings.

(c) The Government concedes specifications 5 and 7 of Charge II are UMC for sentencing, however, applying the *Quiroz* factors, the Court finds that specifications 4 and 6 of Charge II are aimed at distinctly separate criminal acts and the Government has not over-reached or exaggerated PFC Manning's criminality or unfairly increased his punitive exposure. Specifications 4 and 6 of Charge II are not a UMC for sentencing. Specifications 5 and 7 of Charge II are UMC for sentencing with specifications 4 and 6 of Charge II, respectively. The resulting 20 year maximum sentence for all four specifications does not exaggerate the accused's punitive sentencing exposure.

Ruling: The Defense Motions to merge specifications for unreasonable multiplication of charges (UMC) for findings and sentence is **GRANTED IN PART**. The Court will treat the following pairs of specifications as one each for sentencing purposes:

1. specification 2 of Charge III with specification 8 of Charge II;
2. specification 3 of Charge III with specification 12 of Charge II;
3. specification 4 of Charge III with specification 16 of Charge II;
4. specification 4 of Charge II with specification 5 of Charge II;
5. specification 6 of Charge II with specification 7 of Charge II;
6. specification 8 of Charge II with specification 9 of Charge II;
7. specification 12 of Charge II with specification 13 of Charge II.

The Court's ruling reduces the maximum confinement that may be imposed from 136 years to 90 years.

So **ORDERED** this 6th day of August 2013.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

y.

**RULING: Defense Motion
For Appropriate Relief
Under RCM 1001(b)(4):
Under Secretary Kennedy**

6 August 2013

1. The testimony related to the diminution of reporting through diplomats in the field and through those that would speak to Department of State (DOS) diplomats in various countries. Under Secretary Kennedy indicated that he believed the diminution of reporting was due to a chilling effect caused by the charged leaks in this case. The Defense objects to this testimony as not directly related to or resulting from PFC Manning's misconduct under R.C.M. 1001(b)(4).

Government Position: Under Secretary Kennedy's opinion on the diminution of reporting was based on facts or data perceived by or made known to Under Secretary Kennedy before the hearing. His conclusion was that PFC Manning's misconduct caused a diminution of reporting, which was the natural and probable consequence of PFC Manning's actions, and not based on any intervening event that played the only important part in bringing about that effect.

a. Under Secretary Kennedy's testimony that there was a diminution in reporting due to a chilling effect caused by the WikiLeaks' releases of purported Department of State (DOS) cables given to WikiLeaks by PFC Manning is admissible aggravation evidence under RCM 1001(b)(4) with the following caveat. To the extent Under Secretary Kennedy's testimony is limited to periods directly following WikiLeaks' releases, or directly following subsequent media accounts of the WikiLeaks releases in the various countries, it is directly related to and resulting from PFC Manning's offenses.

1

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2. The testimony related to the belief that if we (United States) do not have the trust of others, we cannot get accurate information and that if we (United States) do not get accurate information we cannot compile a complete product. The Defense objects to this testimony as not be directly related to or resulting from PFC Manning's misconduct under RCM 1001(b)(4).

Government Position: Under Secretary Kennedy provided this information as context for the foundation of his ultimate opinion, and this was based on his personal experience and knowledge.

Ruling: This is explanatory testimony that falls within the scope of Under Secretary Kennedy's expertise in the use of diplomatic reporting. The testimony forms part of the foundation for the relevance of his testimony and opinion in (1) above. It is admissible under RCM 1001(b)(4) for that purpose.

3. The testimony related to the belief that non-governmental persons were no longer willing to talk fully and frankly with United States diplomats due to the charged leaks in this case. The Defense objects to this testimony as not be directly related to or resulting from PFC Manning's misconduct under R.C.M. 1001(b)(4).

Government Position: Under Secretary Kennedy's opinion on the lack of openness of non-governmental persons was based on facts or data perceived by or made known to Under Secretary Kennedy before the hearing. His conclusion was that PFC Manning's misconduct resulted in the unwillingness of non-governmental persons to talk fully and frankly with the United States, and was the natural and probable consequence of PFC Manning's actions, and not based on any intervening event that played the only important part in bringing about that effect.

Ruling: This opinion testimony is similar to the opinion testimony in (1) above and is admissible aggravation evidence under RCM 1001(b)(4) for a limited duration in time following the WikiLeaks releases or subsequent media accounts of the WikiLeaks releases in the various countries as set forth in the Court's ruling in (1) above.

4. The testimony related to the belief that some embassies included less information in their reporting than they did before out of fear that the information would not be protected. Under Secretary Kennedy testified that the act of reporting less information was a self-generated limitation on information from various embassies and not as a result of direction by the DOS. The Defense objects to this testimony as not be directly related to or resulting from PFC Manning's misconduct under R.C.M. 1001(b)(4).

Government Position: Under Secretary Kennedy's opinion that embassies included less information in their reporting was based on facts or data perceived by or made known to Under Secretary Kennedy before the hearing. His conclusion was that PFC Manning's misconduct resulted embassies including less information was the natural and probable consequence of PFC Manning's actions, and not based on any intervening event that played the only important part in bringing about that effect.

Ruling: The testimony that PFC Manning's offenses caused some embassies to include less information in their reporting for fear the information will not be protected is admissible under RCM 1001(b)(4), but is limited in time to periods directly following the WikiLeaks releases or directly following subsequent media accounts of the WikiLeaks releases in the various countries as set forth in the Court's ruling in (1) above. PFC Manning's offenses directly resulted in the decisions by certain embassies to report less information in their cables.

5. The testimony related to the belief that the disclosures had a chilling effect on diplomatic reporting and that the disclosures have had and will continue to have an impact on reporting for some indefinite time period. The Defense objects to this testimony as not be directly related to or resulting from PFC Manning's misconduct under R.C.M. 1001(b)(4) and also as being speculative.

Government Position: Under Secretary Kennedy's opinion on the chilling effect on diplomatic reporting and his opinion on the future impact on reporting were based on facts or data perceived by or made known to Under Secretary Kennedy before the hearing. His conclusion was that PFC Manning's misconduct resulted in this chilling effect and the future impact, and these results were the natural and probable consequences of PFC Manning's actions, and not based on any intervening events that played the only important part in bringing about those effects.

Ruling:

a. Under Secretary Kennedy's opinion on the chilling effect on diplomatic reporting occurring during periods directly following the WikiLeaks releases or directly following subsequent media accounts of the WikiLeaks releases is admissible under RCM 1001(b)(4) as directly relating to and resulting from PFC Manning's offenses.

b. The foundation for Under Secretary Kennedy's opinion that PFC Manning's misconduct resulting in WikiLeaks disclosures of purported DOS cables caused a long-term chilling effect on diplomatic reporting that continues to date and will continue into the future is not based on any quantifiable data. It is speculative and inadmissible under MRE 403. The Court will not consider it.

6. The testimony that due to the perceived chilling effect on diplomatic reporting, the decrease in information has had a negatively effect on policy makers in Washington D.C. and our interagency partners. Specifically, Under Secretary Kennedy testified that policy decisions are being made based upon incomplete information (because other countries chose not to engage in full and frank reporting, which reporting is relied on by policy makers). The Defense objects to this testimony as not be directly related to or resulting from PFC Manning's misconduct under R.C.M. 1001(b)(4) and also as being speculative. The Defense also objects based on foundation since Under Secretary Kennedy did not explain how he is familiar with policy making, the various variables that go into policy making, and how diplomatic reporting fits into policy making. Also, "policy making" is an extremely broad category. Under Secretary Kennedy did not explain what type of policy making he was referring to and certainly he is not an expert on "policy making" in general.

Government Position: The United States qualified Under Secretary Kennedy as an expert in the fields of "management and operations of the Department of State" and "the use of diplomatic reporting by United States policy makers." The Defense did not contest this expertise. Under Secretary Kennedy's opinion on the impact to policy makers in Washington D.C. and interagency partners was based on facts or data perceived by or made known to Under Secretary Kennedy before the hearing, and not speculative in nature. His conclusion was that PFC Manning's misconduct had a chilling effect that negatively affected policy makers, which was the natural and probable consequence of PFC Manning's actions, and not based on any intervening event that played the only important part in bringing about that effect.

Ruling:

a. Under Secretary Kennedy's testimony about policy making in general, the variables that go into policy making, and how diplomatic reporting fits into policy making is within his expertise on the use of diplomatic reporting by United States policy makers and his 40 plus years of working at the highest levels of the interagency decision making organizations, is relevant, and is admissible to lay the foundation for his opinions in (1), (3), (4), and (5) above.

b. The foundation for Under Secretary Kennedy's opinion that the accused's offenses had a negative effect on policy makers in Washington D.C. and our interagency partners and that policy decisions are being made based upon incomplete information (because other countries chose not to engage in full and frank reporting, which reporting is relied on by policy makers) is not based on any quantifiable data. It is speculative and inadmissible under MRE 403. The Court will not consider it.

MRE 403 analysis.

Under Secretary Kennedy was properly accepted as an expert in management and operations of the Department of State and in the use of diplomatic reporting. The probative value of those portions of his testimony ruled admissible as aggravation evidence under RCM 1001(b)(4) is not substantially outweighed by the danger of unfair prejudice under MRE 403. The Court has limited the scope of the opinion to the periods directly following the WikiLeaks releases or directly following subsequent media accounts of the WikiLeaks releases in the various countries.

So **ORDERED** this 6th day of August 2013.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

Appellate Exhibit 642

4 pages

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

GOVERNMENT RESPONSE TO
DEFENSE OBJECTIONS UNDER
RCM 1001(b)(4)

MG Nagata / Col. Chesnutt

7 August 2013

(U) The United States respectfully requests the Court deny the Defense objections under Rule for Courts-Martial (RCM) 1001(b)(4) because the accused's misconduct directly contributed to the matters described in the testimony of Major General Nagata and Colonel Chesnutt (USAF) and is proper aggravation evidence under the RCM 1001(b)(4) and the Court's ruling in Appellate Exhibit 639.

1. [REDACTED]

Answer: [REDACTED]

2. [REDACTED]

Answer: [REDACTED]

3. [REDACTED]

Answer: [REDACTED]

APPELLATE EXHIBIT 642B
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

[REDACTED]

4. [REDACTED]

Answer: [REDACTED]

5. [REDACTED]

Answer: [REDACTED]

6. [REDACTED]

Answer: [REDACTED]

7. [REDACTED]

[REDACTED]

Answer: [REDACTED]

8. [REDACTED]

Answer: [REDACTED]

9. [REDACTED]

Answer: [REDACTED]

10. [REDACTED]

Answer: [REDACTED]

11. [REDACTED]

Answer: [REDACTED]

12. [REDACTED]

[REDACTED]

Answer: [REDACTED]

13. [REDACTED]

Answer: [REDACTED]

14. [REDACTED]

Answer: [REDACTED]

Jodean Morrow
JODEAN MORROW
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Defense Counsel,
on 7 August 2013.

Jodean Morrow
JODEAN MORROW
CPT, JA
Assistant Trial Counsel

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**RULING: Defense Motion
For Appropriate Relief
Under RCM 1001(b)(4);
MG Nagata/COL Chesnutt**

7 August 2013

On 7 August 2013, in accordance with the procedures established in the Court's Ruling: Defense Motion for Appropriate Relief Under RCM 1001(b)(4), the Defense filed 14 objections to the testimony of MG Nagata and COL Chesnutt. The Defense objections were from testimony given in closed session and the substance of the objections is classified. The Government compiled a joint classified filing including the Defense objections and the Government responses to the objections (AE 642). The Court's ruling on each objection is as follows:

1. The statements are admissible as a hearsay exception under MRE 803(3).
2. This evidence is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4).
3. For purposes of this ruling, PFC Manning's offenses and the subsequent WikiLeaks releases are incident 1. There are 2 other incidents referenced by MG Nagata. The testimony at issue is directly related to and resulting from PFC Manning's offenses from the time of the WikiLeaks releases until incident 2. For that period, the testimony is proper aggravation evidence under RCM 1001(b)(4). Incidents 2 and 3 are intervening causes that played a major role in continuing the effects testified to by MG Nagata for incident 1. The effects might have been temporary in duration but for the occurrence of incidents 2 and 3. The Court will not consider this testimony for the period following incident 2 in accordance with MRE 403.
4. The ruling in (3) above is the same for this objection.
5. The documents at issue were required after incident 2. This evidence is not directly related to or resulting from PFC Manning's offenses and is not admissible under RCM 1001(b)(4). The Court will not consider this evidence.
- 6 and 7. The ruling in (3) above is the same for these objections.
8. This evidence is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4).
9. The statements at issue are not being offered for the truth of the matter asserted. They are not hearsay and are admissible for the fact that the statements were made in the purported cable at

issue. The statements made are relevant to explain the evidence in (8) above and are admissible aggravation evidence under RCM 1001(b)(4).

10. This evidence is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4).

11. The statements are admissible as a hearsay exception under MRE 803(3).

12. The documents at issue were required after incident 2. This evidence is not directly related to or resulting from PFC Manning's offenses and is not admissible under RCM 1001(b)(4). The Court will not consider this evidence.

13. This evidence is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4).

14. This evidence is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4).

MRE 403 analysis.

The probative value of those portions of the testimony and evidence ruled admissible as aggravation evidence under RCM 1001(b)(4) is not substantially outweighed by the danger of unfair prejudice under MRE 403. The Court has limited the scope of the testimony and evidence to periods directly related to or resulting from PFC Manning's offenses.

So **ORDERED** this 7th day of August 2013.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

Appellate Exhibit 644a

4 pages

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**GOVERNMENT RESPONSE TO
DEFENSE OBJECTIONS UNDER
RCM 1001(b)(4)**

Mr. McCarl / Mr. Pearson

8 August 2013

(U) The United States respectfully requests the Court deny the Defense objections under Rule for Courts-Martial (RCM) 1001(b)(4) because the accused's misconduct directly contributed to the matters described in the testimony of Mr. James McCarl and Mr. David Pearson and is proper aggravation evidence under the RCM 1001(b)(4) and the Court's ruling in Appellate Exhibit 639.

1. [REDACTED]

Answer: [REDACTED]

2. [REDACTED]

Answer: [REDACTED]

3. [REDACTED]

[REDACTED]

Answer: [REDACTED]

4. [REDACTED]

Answer: [REDACTED]

5. [REDACTED]

Answer: [REDACTED]

6. [REDACTED]

[REDACTED]

Answer: [REDACTED]

7. [REDACTED]

Answer: [REDACTED]

8. [REDACTED]

Answer: [REDACTED]


ANGEL M. OVERGAARD
CPT, JA
Assistant Trial Counsel

[REDACTED]

(U) I certify that I served or caused to be served a true copy of the above on Defense Counsel, on 8 August 2013.



ANGEL M. OVERGAARD
CPT, JA
Assistant Trial Counsel

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

Government Motion for
Appropriate Relief

Mental Health Records

8 August 2013

RELIEF SOUGHT

With this motion, the United States makes four requests. First, the United States requests that the Court compel the disclosure of any and all materials on which Doctor Moulton will base his testimony. Second, the United States requests the Court compel the disclosure of the Rules for Courts-Martial (RCM) 706 Board Report without any statements made by the accused. Third, the United States requests that the Court confine any testimony of Doctor Moulton to the expert's conclusions and opinions. And finally, the United States requests the production of any statements by the expert witness under RCM 914.

BURDEN OF PERSUASION AND BURDEN OF PROOF

The burden of proof on any factual issue, the resolution of which is necessary to decide a motion, shall be by preponderance of the evidence. RCM 905(c)(1). The burden of persuasion on any factual issue, the resolution of which is necessary to decide a motion, shall be on the moving party. RCM 905(c)(2). The prosecution has the burden of persuasion as the moving party.

FACTS

PFC Bradley Manning has been found guilty of eighteen specifications as charged and four specifications by exceptions and substitutions and/or to the lesser included offenses. *See* AE 624. The proceedings are now in the presentencing phase.

On 6 August 2013, the Defense submitted its list of expected witnesses for the presentencing phase of this court-martial. *See* AE 638. This filing confirmed Doctor Moulton would testify as a witness for the defense. In a previous filing, the defense had proffered:

CAPT Moulton will testify that PFC Manning was gay and was suffering from Gender Identity Disorder (GID) before and during the deployment. CAPT Moulton will testify that PFC Manning had no ability to turn to mental health for assistance given the fact that he would be recommended for separation if he did. Consequently, PFC Manning's struggles compounded and started to erode his ability to function properly while at work. CAPT Moulton will testify that PFC Manning's high IQ and social ineptness compounded these struggles. CAPT Moulton will testify that PFC Manning had regressed stages of development and was still in the post-adolescent idealistic stage where he believed he could change

APPELLATE EXHIBIT 645
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

the world and make the world a better place. CAPT Moulton will testify that PFC Manning's idealism along with a narcissistic personality trait resulted in PFC Manning believing that he was capable of making the determination of what information should and should not be released for the public good. CAPT Moulton will testify that PFC Manning struggles for acceptance and suffers from a mild form of Asperger's. CAPT Moulton will testify that PFC Manning's condition makes it difficult for him to pick up on social cues and causes him to sometimes say or do things that others might take offense to, but that he does not intend or realize is offensive. CAPT Moulton will testify that PFC Manning's condition would make it difficult for him to make close friends. CAPT Moulton will testify that due to his struggle for acceptance, PFC Manning would seek approval from others that what he is doing is the right thing. CAPT Moulton will testify that this would also cause PFC Manning to be very sensitive to criticism or someone telling him that he has done something wrong. CAPT Moulton will testify that this condition is undoubtedly why PFC Manning reached out to Mr. Adrian Lamo. Ultimately, CAPT Moulton will testify that PFC Manning's actions can be explained as an effort to do what he believed was the right thing for the right reason but under flawed reasoning.

AE 344.

WITNESSES/EVIDENCE

The prosecution requests the Court consider the referenced Appellate Exhibits (AE) and legal authority.

LEGAL AUTHORITY AND ARGUMENT

I. THE UNITED STATES IS ENTITLED TO MATERIALS UNDERLYING THE EXPERT'S OPINION

Under Military Rule of Evidence (MRE) 705, the military judge may require the facts or data underlying a testifying expert's opinion and inference to be disclosed prior to that expert's testimony. *See* MRE 705. Moreover, this material "may in any event be required . . . on cross-examination." *Id.* Further, in the case of mental health records, RCM 701(b)(4) compels the defense, on Government request, to disclose mental health exams and reports, provided the Government has complied with an RCM 701(a)(2)(B) request by the defense. This Rule incorporates RCM 706 and MREs 302 and 513 by reference. *See* RCM 701(b)(4) (stating "except as provided in R.C.M. 706, Mil. R. Evid. 302, and Mil.R. Evid. 513").

In so far as non-RCM 706 Board materials are concerned, MRE 513 is instructive. MRE 513(d)(7) explains that when mental health evidence is offered by the accused during pre-sentencing that is not covered by RCM 706 and MRE 302, the military judge may, upon motion and in the interests of justice, order the disclosure of statements the accused made to mental health professionals. *See* MRE 513(d)(7).

In this case, the United States made a reciprocal discovery request for accused mental health information on 29 March 2012. Therefore, pursuant to RCM 701(b)(4) and MRE 513, the United States should receive any and all materials upon which Dr. Moulton will base his testimony. From discussion with Dr. Moulton on 7 August 2013, the United States understands this list to include, at least, the following materials:

- a. Pre-military mental health records
- b. Pre-deployment mental health records
- c. Deployment mental health records
- d. Confinement mental health records
- e. Records from psych-testing during time at Joint Regional Confinement Facility (JRCF)
- f. School records
- g. Records and notes from any mitigation expert's interviews with family and friends
- h. Notes from Dr. Moulton's own interviews with the accused
- i. Records from and regarding the Article 15-6 investigation

The United States respectfully requests that the Court order the disclosure of these materials in order to confirm that Dr. Moulton does not have any other records in these or other relevant categories. **On 8 August 2013, the defense agreed to provide the above-listed materials in their possession.**

II. THE UNITED STATES IS ENTITLED TO THE LONG-FORM OF THE RCM 706 BOARD REPORT EXCLUDING STATEMENTS BY THE ACCUSED

While MRE 513 addresses mental health privilege outside the RCM 706 Board context, according to RCM 701(b)(4), RCM 706(b)(5) and MRE 302 control within it. RCM 706(b)(5) states that "no person, other than the defense counsel, accused, or, after referral of charges, the military judge may disclose to the trial counsel any statement made by the accused to the board or any evidence derived from such statement." This Rule therefore contemplates the military judge's release of this material. MRE 302 goes on to explain how and when this may occur. MRE 302 was intended to "'protect an accused from use of anything he might say during a mental examination' ordered under RCM 706", provided the accused has not "first [introduced] into evidence such statements or derivative evidence." *United States v. Clark*, 62 M.J. 195, 198 (C.A.A.F. 2005); *see also* MRE 302(b). However, "once the defense offers expert testimony concerning an accused's mental condition, MRE 302(c) allows the military judge to provide the Government with the sanity board report after redacting the accused's statements." *See United States v. Clark*, 62 M.J. at 200. In *Clark*, the mental health evidence elicited by the defense during sentencing was not derived from the report and did not include specific statements by the

accused, and so the military trial judge had erred in allowing the full sanity board report to be disclosed to the prosecution "in its entirety and allowing the Government to admit Appellant's statements into evidence." *See id.* at 199-200.

The United States concedes that, according to the Analysis of MRE 302, "[i]f the accused fails to present an insanity defense or does so only through lay testimony, for example, the trial counsel will not receive access to the report." Analysis MRE 302(c). Moreover, CAAF acknowledges this in *Clark* - saying "[i]f the defense does not allege insanity at court-martial, or does so only through lay testimony, the sanity board report will not be provided to the prosecution." *See United States v. Clark*, 62 M.J. at 200. However, in *Clark*, CAAF went immediately on to say "But '[i]f the defense offers expert testimony concerning the mental condition of the accused,' the military judge shall compel the defense to release to the prosecution 'the full contents, other than any statements made by the accused,' of the sanity board report." *Id.* In this sense, CAAF drew a line to reconcile competing interests; the prosecution may receive the report if the defense makes an issue of the accused's mental health, it simply may not receive statements the accused made (provided those statements and derivative evidence will not be used by the expert mental health professional testifying). *See id.* Although here the defense has not raised an insanity defense, the proffered testimony of Dr. Moulton indicates the defense will make an issue of the accused's mental health. According to *Clark*, the United States should therefore receive the RCM 706 Board Report with accused's statements redacted.

According to the Government's conversations with the expert and with the defense, Dr. Moulton does not have the RCM 706 Board Report and thus will not base his opinions and conclusions as to the accused's mental health on that material. However, should Dr. Moulton review this material, and during the course of his testimony relay the accused's statements from it, the United States would then request that the full contents of that report (including the accused's statements) be made available to the United States. MRE 302(b)(2) and (c) suggest that in the event the defense offers these statements, the statements can then be released to the prosecution and testified to by a prosecution expert. *See* MRE 302(b)(2) and (c); *see also United States v. Clark*, 62 M.J. at 200 (explaining that the release of the unredacted RCM 706 Board report to the prosecution was error because the expert at issue had not offered testimony that was derivative of the Report or relayed statements from it). Additionally, MRE 302 notes that a prosecution's expert witness may only testify as to conclusions and reasoning and not to accused's statements unless the accused first introduces this evidence as well. *See* RCM 302(b).

III. THE TESTIMONY OF THE EXPERT MENTAL HEALTH PROFESSIONAL SHOULD BE CONFINED TO OPINIONS AND CONCLUSIONS

MRE 703 states that, when an expert offers testimony, "facts or data that are otherwise inadmissible shall not be disclosed . . . by the proponent of the opinion or inference unless the military judge determines that their probative value . . . to evaluate the expert's opinion substantially outweighs their prejudicial effect."

In this case, most statements by the accused, which the expert will discuss, were made out of court. And, none of these has been subject to cross-examination. Though the type

potentially relied upon by mental health professionals, such statements would be hearsay and otherwise inadmissible if offered in Court for the truth of what they assert. See MRE 801 and MRE 802. Additionally, even if these statements are relevant and offered for a non-hearsay purpose, these statements would be too prejudicial and should be excluded pursuant to MRE 403. See MRE 403.

At least two cases discuss the prejudicial nature of such out-of-court statements in the context of mental health professional testimony. They indicate that the protections afforded the accused's statements by MRE 302 and RCM 706 should not be vehicles to import otherwise inadmissible hearsay. In *United States v. Stark*, 24 M.J. 381, 384 (C.M.A. 1987), defense counsel moved into evidence videotaped interviews of the appellant with the mental health expert. The Court of Military Appeals ultimately upheld the military judge's exclusion of this evidence because it "would have clearly given appellant an opportunity to smuggle eight hours of testimony . . . without subjecting himself to the crucible of cross-examination." And, in *United States v. Schap*, 49 M.J. 317, 324 (C.A.A.F. 1998), "the defense wanted the [mental health] expert to repeat or publish . . . much of what the appellant told them regarding his state of mind and emotions at the time of the offense" in order to attack the *mens rea* elements of the charged offense. In its review of this behavior, CAAF suggests that using MRE 703 and 705 to permit experts to relate an accused's hearsay would encourage accused individuals to simply tell a doctor their side of a story and "then just call the doctor in to testify", all while the accused remains insulated from confrontation. *Id.* at 325-26. The court went on to reason that even if the statements at issue satisfied a hearsay exception such as the medical-hearsay exception, they should be excluded as unfairly prejudicial under MRE 403. *United States v. Schap*, 49 M.J. at 325. For "Mil.R.Evid. 403 is a judge's tool for preventing a part from unfairly smuggling hearsay, either as 'basis' for an expert's opinion or under the various hearsay exceptions." *Id.* at 326. And, to allow experts to parrot the accused's version of events under this "basis" guise would be to allow the accused to hide behind the Constitutionally-granted Fifth Amendment shield while using privilege protections to circumvent cross-examination.

Finally, the RCM affords the accused the opportunity to make a sworn or unsworn statement during pre-sentencing. See RCM 1001 (c)(2) ("The accused may testify, make an unsworn statement, or both in extenuation, in mitigation or to rebut matters presented by the prosecution."). *Stark* acknowledges this as well, stating "there was no limitation on appellant's ability to testify in his own defense." *United States v. Stark*, 24 M.J. at 385. However, sworn oral testimony shall be subject to cross-examination, and any unsworn statement subject to the prosecution's opportunity to rebut any statements of facts therein. See RCM 1001(c)(2)(B)-(C). In this case, if an expert relays the accused's statements those statements will be subject to neither cross-examination nor effective rebuttal. As mentioned above, barring the providence statement, all of these materials will include statements that have been made out of court. Also, none of the categories of information on which Dr. Moulton will base his testimony will include statements made by the accused while subject to cross-examination. Further, the United States can find no authority under which it can have its own forensic psychologist interview the accused to draw his or her own conclusions. As such, if Dr. Moulton's testimony is to include statements by the accused, these statements will become evidence not subject to any effective challenge – neither by cross nor by independent review and rebuttal. Therefore, pursuant to the

above-discussed authority, Dr. Moulton's testimony should be confined to his conclusions and reasoning but not be permitted to relay any statements made to him by the accused.

IV. THE UNITED STATES IS ENTITLED TO ANY STATEMENT MADE BY DR. MOULTON RELATING TO HIS TESTIMONY

RCM 914 states "After a witness other than the accused has testified on direct examination, the military judge, on motion of a party who did not call the witness, shall order the party who called the witness to produce, for examination and use by the moving party, any statement of the witness that relates to the subject matter concerning which the witness has testified." The United States accordingly requests that any such statements (including any qualifying emails) be made available to the prosecution.

CONCLUSION

Based on the foregoing authority and argument, with this motion the United States respectfully requests the Court take four actions. First, the United States requests that the Court compel the disclosure of any and all materials on which Doctor Moulton will base his testimony. Second, the United States requests the Court compel the disclosure of the Rules for Courts-Martial (RCM) 706 Board Report without any statements made by the accused. Third, the United States requests that the Court confine any testimony of Doctor Moulton to the expert's conclusions and opinions. And finally, the United States requests the production of any statements by the expert witness under RCM 914.



KATHERINE F. MITROKA
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel, via electronic mail on 8 August 2013.



KATHERINE F. MITROKA
CPT, JA
Assistant Trial Counsel

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

Prosecution Request to
Substitute Photographs
for Certain Physical Evidence
in the Record of Trial

9 August 2013

The United States requests the Court authorize the use of photographic substitutes for Prosecution Exhibits 11, 12, 13, 14, and 92 in the record of trial under Rule for Courts-Martial (RCM) 1103(b)(2)(D)(v). The original pieces of admitted evidence will be stored at the Computer Crime Investigative Unit (CCIU) evidence storage area, located at: Computer Crime Investigative Unit, 27130 Telegraph Road, Evidence Depository Room – E0126, Quantico, VA 22134.

FACTS

The Court received all five exhibits into evidence. Each piece of evidence is digital media that contains classified information. This information is not visible in photographs of the evidence.

WITNESSES/EVIDENCE

The United States requests the Court consider the enclosures to this filing and the Prosecution Exhibits cited herein.

LEGAL AUTHORITY AND ARGUMENT

RCM 1103(b)(2)(D)(v) allows the Court to include, “copies, photographs, or descriptions of any exhibits which were received in evidence.” The information contained in each piece of digital media is classified at the “SECRET” level. Substituting these photographs will allow the Court to include this evidence in the record of trial in an accessible form that can be readily identified by the parties during authentication of the record of trial. This will also eliminate the need to seal these classified pieces of evidence under RCM 1103A and Military Rule of Evidence (MRE) 505(k)(1)(B) (2013), as the photographs are unclassified.

The five photographs attached to this motion accurately depict all relevant facets of each piece of corresponding physical evidence. Each piece of physical evidence is readily identifiable from the photograph. The Court’s marking, signifying the receipt of each exhibit into evidence, is clearly visible in each photograph. Each piece of digital media requires specialized software and/or hardware to view the contained information, so the substitution of photographs for the original physical evidence will not result in any disadvantage to any party during the record of trial authentication process.

APPELLATE EXHIBIT 646
PAGE REFERENCED: _____
PAGE OF PAGES

CONCLUSION

The United States requests the Court allow the use of photographic substitutes for Prosecution Exhibits 11, 12, 13, 14, and 92 in the record of trial under RCM 1103(b)(2)(D)(v).



ANGEL OVERGAARD
CPT, JA
Assistant Trial Counsel

5 Encls

1. Photograph of Prosecution Exhibit 11
2. Photograph of Prosecution Exhibit 12
3. Photograph of Prosecution Exhibit 13
4. Photograph of Prosecution Exhibit 14
5. Photograph of Prosecution Exhibit 92

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel, via electronic mail on 9 August 2013.



ANGEL OVERGAARD
CPT, JA
Assistant Trial Counsel

Appellate Exhibit 646
Enclosure 1
has been entered into the
record as
Prosecution Exhibit 11

Appellate Exhibit 646
Enclosure 2
has been entered into the
record as
Prosecution Exhibit 12

Appellate Exhibit 646
Enclosure 3
has been entered into the
record as
Prosecution Exhibit 13

Appellate Exhibit 646
Enclosure 4
has been entered into the
record as
Prosecution Exhibit 14

Appellate Exhibit 646
Enclosure 5
has been entered into the
record as
Prosecution Exhibit 92

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES)

v.)

MANNING, Bradley E., PFC)

U.S. Army, [REDACTED])

Headquarters and Headquarters Company, U.S.)

Army Garrison, Joint Base Myer-Henderson Hall,)

Fort Myer, VA 22211)

**DEFENSE SPECIFIC
OBJECTION UNDER R.C.M.
1001(b)(4) FOR CDR
YOUSSEF ABOUL-EINEIN**

DATED: 8th August 2013

RELIEF SOUGHT

1. COMES NOW PFC Bradley E. Manning, by counsel, pursuant to applicable case law and Rule for Courts Martial (R.C.M.) 1001(b)(4), requests this Court to sustain the Defense's specifically lodged objections to the testimony of Commander Youssef Aboul-Enein (hereafter CDR A-E).

STANDARD

2. A military judge's decision to admit or exclude evidence is reviewed for an abuse of discretion. *United States v. Stephens*, 67 M.J. 233, 235 (C.A.A.F. 2009).

DISCUSSION

3. The Defense specifically objected to the following testimony:

(a) CDR A-E's testimony that specifically mentioned the Little Rock recruiting station shooting and the Fort Hood shooting is irrelevant under both MRE 402 and MRE 403. The defense requests that the Military Judge not consider that testimony in her capacity as the Sentencing Authority.

(b) CDR A-E's general testimony about the implicit threat of British and American officials from militant islamist organizations through public identification. The only matters appropriate for consideration are the threats that directly related to or resulted from PFC Manning's misconduct. The general testimony about the practice is barred by RCM 1001(b)(4).

(c) The testimony beginning with the discussion of the "Manchester Document" and ending with how that historical lesson provides insight into how militant islamists may use the purported SIGACTs from CIDNE-I/A. This testimony involved a level of speculation that made it inadmissible. ("Speculation" was the word used by CDR A-E on both direct and cross on this

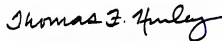
particular topic.) There was no application of expertise to a given set of facts by the witness – only the telling of a fabricated narrative. MRE 702. The defense also objects to the evidence as violating RCM 1001(b)(4).

(d) CDR A-E's testimony regarding militant islamist organizations potential uses of SIGACTs. Again, "speculation" was the word used by CDR A-E. By speculating, even an expert fails to meet the appropriate standards for his testimony under MRE 702. The evidence is also inadmissible under RCM 1001(b)(4).

CONCLUSION

4. In light of the foregoing, the Defense requests this Court to disregard the improper testimony offered by CDR A-E.

Respectfully submitted,



THOMAS F. HURLEY
MAJ, JA
Defense Counsel

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**Prosecution Response to
Defense Specific Objection
under RCM 1001(b)(4)
for CDR Youssef Aboul-Enein**

8 August 2013

The United States respectfully requests that the Court overrule the objections set forth in the Defense Specific Objection under RCM 1001(b)(4) for CDR Youssef Aboul-Enein because CDR Aboul-Enein's testimony described al-Qaeda's (hereinafter "AQ") use of information compromised by the accused, and CDR Aboul-Enein's testimony was within the scope of his expertise in AQ terrorism and ideology.

1. The Defense objected to "(a) CDR A-E's testimony that specifically mentioned the Little Rock recruiting station shooting and the Fort Hood shooting is irrelevant under both MRE 402 and MRE 403. The defense requests that the Military Judge not consider that testimony in her capacity as the Sentencing Authority."

Answer: CDR Aboul-Enein testified that AQ seeks to elicit acts of violence against the United States in a leaderless environment. CDR Aboul-Enein testified that these are examples of attacks desired by AQ. CDR Aboul-Enein's statement demonstrates examples and context of the affects of AQ propaganda. CDR Aboul-Enein testified that the accused's misconduct provided a basis for AQ propaganda, and that the accused's misconduct strengthened propaganda. AQ's propaganda is permissible aggravating evidence of the risk of damage or harm caused by the accused's misconduct. *See* Appellate Exhibit DCXXXIX. Therefore, CDR Aboul-Enein's testimony of examples are context for proper aggravating evidence.

2. The Defense objected to "(b) CDR A-E's general testimony about the implicit threat of British and American officials from militant islamist organizations through public identification. The only matters appropriate for consideration are the threats that directly related to or resulted from PFC Manning's misconduct. The general testimony about the practice is barred by RCM 1001(b)(4)."

Answer: CDR Aboul-Enein's testimony regarding the AQ practice of threatening British and American officials serves as foundation and explanation for the types of threats employed by AQ. CDR Aboul-Enein testified that AQ threatened individuals named in WikiLeaks in information compromised by the accused. Therefore, CDR Aboul-Enein's testimony regarding threats against British and American officials should be considered as context for the threats AQ made in Inspire magazine against individuals revealed by the accused's misconduct.

3. The Defense objected to "(c) The testimony beginning with the discussion of the "Manchester Document" and ending with how that historical lesson provides insight into how militant islamists may use the purported SIGACTs from CIDNE-I/A. This testimony involved a level of speculation that made it inadmissible. ("Speculation" was the word used by CDR A-E on both

APPELLATE EXHIBIT 648
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

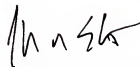
direct and cross on this particular topic.) There was no application of expertise to a given set of facts by the witness – only the telling of a fabricated narrative. MRE 702. The defense also objects to the evidence as violating RCM 1001(b)(4).” The Defense also objected to “(d) CDR A-E’s testimony regarding militant Islamist organizations potential uses of SIGACTs. Again, “speculation” was the word used by CDR A-E. By speculating, even an expert fails to meet the appropriate standards for his testimony under MRE 702. The evidence is also inadmissible under RCM 1001(b)(4).”

Answer:

CDR Aboul-Enein’s testimony regarding the Manchester Document falls within his expertise in AQ terrorism and his broad experience, which is detailed in Prosecution Exhibit 183. CDR Aboul-Enein was qualified as an expert in AQ terrorism and its ideology. Terrorism involves the use of information to serve terrorist goals. CDR Aboul-Enein testified that compromised information in the Manchester Document was connected to AQ operational activities. Additionally, CDR Aboul-Enein testified that the information contained in the Manchester Document was associated with AQ tactics, to include tactics about resisting arrest. CDR Aboul-Enein further testified that AQ’s use of the information was discovered over ten years after AQ first obtained the information and that AQ was still in possession of the information when it was discovered in 2000. This testimony serves as foundation and explanation of AQ’s use of military information compromised by the accused. CDR Aboul-Enein testified that it was his opinion that AQ had an interest in the types of military information contained in the Manchester Document because AQ had used it.

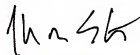
CDR Aboul-Enein testified that he was familiar with Significant Activity Reports (hereinafter “SIGACTs”). CDR Aboul-Enein testified that SIGACTs contain military information, which is similar to information in the Manchester document. CDR Aboul-Enein testified that, in his opinion, AQ is interested in SIGACT information. AQ’s interest in SIGACT information is permissible aggravating evidence of the risk of damage or harm caused by the accused’s misconduct. *See Appellate Exhibit DCXXXIX.*

CDR Aboul-Enein testified that AQ is interested in military operational information and employed such information in its training manuals. CDR Aboul-Enein testified that AQ, in *Inspire* magazine, requested that SIGACTs be “datamined.” CDR Aboul-Enein was qualified as an expert in AQ terrorism. Terrorism includes operational activities, to include violent attacks. Accordingly, CDR Aboul-Enein testified that, in his opinion, AQ would use information compromised by the accused in its operations because AQ had requested the information be “datamined” and AQ had used similar information previously in the Manchester Document. CDR Aboul-Enein’s opinion that AQ would use SIGACT information is permissible aggravating evidence of the risk of damage or harm caused by the accused’s misconduct. *See Appellate Exhibit DCXXXIX.* Finally, CDR Aboul-Enein also testified that AQ is a clandestine organization and that discovery of its uses of compromised information is not immediately discoverable.



ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel via electronic mail, on 8 August 2013.



ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel

David Coombs

From: David Coombs <coombs@armycourtartialdefense.com>
Sent: Thursday, August 08, 2013 8:17 PM
To: 'Fein, Ashden MAJ USARMY MDW (US)'; 'Hurley, Thomas F MAJ USARMY (US)'
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Bennett, Jessica D SSG USARMY (US)'; 'Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)'; 'Overgaard, Angel M CPT USARMY (US)'; 'von Elten, Alexander S (Alec) CPT USARMY (US)'; 'Mitroka, Katherine F CPT USARMY (US)'; 'Ford, Arthur D Jr CW2 USARMY (US)'
Subject: Basis for CDR Moulton
Attachments: Dr Meyer Records.pdf; Dr Corley Notes.pdf; Manning Family and Background Records.pdf; Dr. Armistead-Jehle Testing.pdf

Ashden,

CDR Moulton considered the following for the basis of his opinion:

- 1) Dr. Meyer's Records;
- 2) Dr. Corley's Records;
- 3) Family Background records;
- 4) PFC Manning's medical records in Army and Fort Drum;
- 5) PFC Manning's medical records while in Iraq up to his arrest;
- 6) Dr. Armistead-Jehle's testing;
- 7) IM Chats with ZA;
- 8) IM Chats with Lamo;
- 9) PFC Manning's providence statement; and
- 10) His own interviews of PFC Manning.

The Government already has 4, 5, 7, 8, and 9. I will send a separate email with those items so that you can confirm that you have everything that was given to CDR Moulton. Please raise the R.C.M. 706 issue with the Court tomorrow, and assuming she does not immediately deny your request based upon the rule, we can litigate this issue early next week.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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David Coombs

From: David Coombs <coombs@armycourtartialdefense.com>
Sent: Thursday, August 08, 2013 8:18 PM
To: 'Fein, Ashden MAJ USARMY MDW (US)'; 'Hurley, Thomas F MAJ USARMY (US)'
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Bennett, Jessice D SSG USARMY (US)'; 'Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)'; 'Overgaard, Angel M CPT USARMY (US)'; 'von Elten, Alexander S (Alec) CPT USARMY (US)'; 'Mitroka, Katherine F CPT USARMY (US)'; 'Ford, Arthur D Jr CW2 USARMY (US)'
Subject: CDR Moulton
Attachments: Fort Drum-Iraq Medical Records.pdf; PFC Manning Records - Iraq.pdf; IM Chats with ZA.pdf; IM Complete Lamo Chats.pdf; PFC Manning's Providence Statement.pdf

Ashden,

Here are the remaining items that you should already have in your possession.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**RULING: Defense Motion
For Appropriate Relief
Under RCM 1001(b)(4):
Mr. McCarl/Mr. Pearson**

9 August 2013

On 8 August 2013, in accordance with the procedures established in the Court's Ruling: Defense Motion for Appropriate Relief Under RCM 1001(b)(4) (AE 639), the Defense filed eight objections to the testimony of Mr. McCarl and Mr. Pearson. The Defense objections were from testimony given in closed session and the substance of the objections is classified. The Government compiled a joint classified filing including the Defense objections and the Government responses to the objections (AE 644a). The unclassified redacted joint classified filing is AE 644b. The Court's ruling on each objection is as follows:

1, 2, and 6. This is evidence of risk of damage to national security that is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4). The testimony objected to in #6 is based on Mr. McCarl's expertise. It is not speculation.

3 and 5. Evidence of correlation is not evidence of causation of harm where the trend of increasing harm began prior to WikiLeaks' public disclosure of the information given by PFC Manning. This evidence is not directly related to and resulting from PFC Manning's offenses. It is not admissible aggravation evidence under RCM 1001(b)(4) and MRE 403.

4. WikiLeaks' disclosure of information given by PFC Manning occurred before the harm identified in this objection occurred. Unlike in 3 and 5 above, the evidence of correlation between the WikiLeaks disclosure and the harm caused is circumstantial evidence that PFC Manning's offenses were a proximate cause of the harm. This is evidence that is directly related to or resulting from PFC Manning's offenses. The evidence is admissible under RCM 1001(b)(4).

7 and 8. The court admitted PE 203 under MRE 803(8) sections (A) and (B), the public records exception to the hearsay rule. The exhibit is admitted for the truth of the matter asserted. The analysis and the translations made by Mr. Pearson in the report are admitted for the truth of the matter asserted. The examples of information pulled from websites on pages 00527699-00527708 are not admissible for the truth of the matter asserted but are admissible as evidence of how the entities at issue were using the information released by WikiLeaks and how they could access that information. PE 203, to include information attributable to WikiLeaks, is relevant and is proper aggravation evidence directly related to and resulting from PFC Manning's offenses. The evidence is admissible under RCM 1001(b)(4).

MRE 403 analysis.

The probative value of those portions of the testimony and evidence ruled admissible as aggravation evidence under RCM 1001(b)(4) is not substantially outweighed by the danger of unfair prejudice under MRE 403. The Court has limited the scope of the testimony and evidence to matters directly related to or resulting from PFC Manning's offenses.

So **ORDERED** this 9th day of August 2013.

A handwritten signature in black ink, appearing to read 'DRL', is written above the printed name.

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES

v.

MANNING, Bradley E., PFC

U.S. Army, [REDACTED]

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

)
)
) **DEFENSE MOTION FOR**
) **JUDICIAL NOTICE OF**
) **PUBLICLY AVAILABLE**
) **IED INFORMATION**

) DATED: 9 AUGUST 2013
)

RELIEF SOUGHT

1. PFC Bradley E. Manning, by and through counsel, moves this Court, pursuant to Military Rules of Evidence (MRE) 201 to take judicial notice of two news articles that discuss the counter-IED capabilities of the United State military. Moreover, the Defense requests this Court take judicial notice of several excerpts from these articles.

BURDEN OF PERSUASION AND BURDEN OF PROOF

2. As the moving party, the Defense has the burden of persuasion. RCM 905(c)(2). The burden of proof is by a preponderance of the evidence. RCM 905(c)(1).

WITNESSES/EVIDENCE

3. The Defense does not request any witnesses be produced for this motion.

LEGAL AUTHORITY AND ARGUMENT

4. In the interest of judicial economy, MRE 201 relieves a proponent from formally proving certain facts that reasonable persons would not dispute. There are two categories of adjudicative facts that may be noticed under the rule. First, the military judge may take judicial notice of adjudicative facts that are "generally known universally, locally, or in the area pertinent to the event." MRE 201(b)(1). Under this category of adjudicative facts, it is not the military judge's knowledge or experience that is controlling. Instead, the test is whether the fact is generally known by those that would have a reason to know the adjudicative fact. *U.S. v. Brown*, 33 M.J. 706, 709 (N.M.C.A. 1992). The second category of adjudicative facts is those "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." MRE 201(b)(2). This category of adjudicative facts includes government records, business records, information in almanacs, scientific facts, and well documented reports. *Id.* See also, *U.S. v. Spann*, 24 M.J. 508 (A.F.C.M.R. 1987). Moreover, judicial notice may be taken of a

APPELLATE EXHIBIT 651

PAGE REFERENCED: _____

PAGE ____ OF ____ PAGES

periodical. *U.S. v. Needham*, 23 M.J. 383, 385 (C.M.A. 1983)(taking judicial notice of Drug Enforcement Agency publication). The key requirement for judicial notice under this category is that the source relied upon must be reliable. Salzburg, Lee D. Schinasi & David A. Schluter, *Military Rules of Evidence*, §201.02[3] at p. 2-7 (7th Ed., Matthew Bender & Co. 2011)

5. Under MRE 201(d), a military judge must take judicial notice if the proponent presents the necessary supporting information. In making the determination whether a fact is capable of being judicially noticed, the military judge is not bound by the rules of evidence. *Id.* Additionally, the information relied upon by the party requesting judicial notice need not be otherwise admissible. *Id.* The determination of whether a fact is capable of being judicially noticed is a preliminary question for the military judge. *See* MRE 104(a).

6. The Defense requests judicial notice of the existence of a July 2011 article from National Defense Magazine titled, "Pentagon Still Playing Catch-Up With Bomb Makers." *See* Attachment A. Moreover, the Defense requests the Court take judicial notice of several portions of text that appear within this article. The Defense offers these portions for the non-hearsay purpose of showing that the quotes were uttered and appeared in the article. The below excerpts are relevant because their publication, regardless of their truth, demonstrates that the enemy could have been aware of U.S. counter-IED deficiencies through means other than the WikiLeaks disclosures.

- a. "Our adversary changes quicker than we do."
- b. An insurgent "has no bureaucracy. He can do things quicker than I can do. Whenever I come up with a new jammer, I've got to look three moves ahead. What have I forced him to do now that I have this new jammer?"
- c. The services' bomb technicians have several tools to help them with their inherently dangerous work. The radio-frequency jammers to which Larry¹ referred prevent insurgents from detonating bombs through the airwaves. Bomb suits provide some protection in the event that an IED explodes. Robots can provide a view of a bomb from a safe distance, and their manipulators can sometimes be used to render them safe without the specialists needing to put on the cumbersome suits. Metal detectors have been around since World War II. Recently, ground penetrating radar, which can see nonmetallic shapes, have been integrated onto the metal detectors. Explosives used to detonate IEDs in a controlled manner are also employed.
- d. Afghan IEDs have a low metallic signature, often employing wood as a casing. They are not technologically sophisticated and use materials that are readily available, he² said. They are difficult to find using standard mine detectors that seek out ferrous metals.
- e. Sensors carried into the field include the metal detectors, ground-penetrating radar and a device designed to find hidden tripwires.

¹ "Larry" is identified as COL Dick Larry in a previous paragraph.

² COL Leo Bradley is quoted in the prior paragraph and his thoughts are continued in this paragraph.

7. The Defense requests judicial notice of the existence of a 15 September 2009 article published in the Washington Times titled, "EXCLUSIVE: Taliban makes IEDs deadlier." See Attachment B. Additionally, the Defense requests the Court take judicial notice of several portions of text that appear within this article. The Defense offers these portions for the non-hearsay purpose of showing that the excerpts were uttered and appeared in the article. The below excerpts are relevant because their publication, regardless of their truth, demonstrates that the enemy could have been aware of U.S. counter-IED deficiencies through means other than the WikiLeaks disclosures.

- a. The Taliban has been building simpler, cheaper anti-personnel bombs made of hard-to-detect nonmetal components, increasing the number of lethal attacks on NATO forces in Afghanistan, according to a confidential military report.
- b. The change in production from metal-dominated explosives to devices made of plastic is making it more difficult for ground troops to detect the buried IEDs with portable mine-detectors, creating an "urgent need" inside the Pentagon for better detection devices, the report said.
- c. The Pentagon report said the current mine detector, the AN/PSS-12, is not sufficiently sensitive to pick up the scarce metal in anti-personnel IEDs. "There is an urgent need to identify new man-portable detection platforms to expand the ability of U.S. troops to detect anti-personnel IED-mines," the report concludes.
- d. One system now readily available commercially consists of electric field sensors, which can pick up electricity from nonmetallic conductors, the report said.

CONCLUSION

8. Based on the above, the Defense requests that the Court to take judicial notice of the requested adjudicative fact.

Respectfully Submitted



JOSHUA J. TOOMAN
CPT, JA
Defense Counsel

I certify that I served or caused to be served a true copy of the above on MAJ Ashden
Fein, via electronic mail, on 9 August 2013.

A handwritten signature in black ink, appearing to read 'Joshua J. Tooman', with a long horizontal flourish extending to the right.

JOSHUA J. TOOMAN
CPT, JA
Defense Counsel

ATTACHMENT A

National DEFENSE

NDIA
THE NATIONAL DEFENSE INDUSTRIAL ASSOCIATION
Advancing the
Technology of War

[National Defense](#) > [Archive](#) > [2011](#) > [July](#)

Explosive Threats

Pentagon Still Playing Catch-Up With Bomb Makers

July 2011

By Stew Magnuson



Explosive ordnance disposal team leaders say their technology is behind the curve

The U.S. military's cadre of bomb disposal technicians needs lighter equipment, the ability to detect explosives at stand-off distances and their sensors consolidated into one handheld device. But most of all, they want to feel that their technology is putting them one step ahead of the insurgents who are planting the improvised explosive devices that are wounding and killing U.S. troops in Iraq and Afghanistan.

Instead — when it comes to tools that can defeat IEDs — the Defense Department has been playing a game of catch-up for the past 10

years.

"Our acquisition process inside the Department of Defense does not have the agility to keep up with our enemy's threat," said Capt. Dan Coleman of the Navy expeditionary warfare division and a former officer at the Joint Improvised Explosive Device Defeat Organization.

Requirements for defeating, detecting or protecting troops from IEDs must go through a bureaucratic approval process, the joint capability integration development system, fight for funding and then — after a long wait — the explosive ordnance disposal teams finally receive what they asked for, he said.

By that time, "our enemy is going to be three or four more ... cycles ahead of that solution that we have just fielded to the war fighter," Coleman said at a National Defense Industrial Association-Explosive Ordnance Disposal Memorial Foundation conference in Fort Walton Beach, Fla.

The number of EOD technicians is relatively small — about 5,500 spread out across the four services. Most of them "self-select" to join the units. Their deeds have been celebrated in the Academy Award-winning film, *The Hurt Locker*.

While they are few in number, their impact on the battlefield is crucial, said Army Col. Marue "MO" Quick, chief of the EOD and humanitarian mine action at the office of the secretary of defense's special operations/low intensity conflict division.

IEDs were the weapon of choice in Iraq, and the tactic has made its way to Afghanistan. In both wars, the majority of combat deaths and injuries are a result of these bombs, she said.

Meanwhile, in the 12-month period from May 2010 to this year's conference, 20 bomb technicians lost their lives in combat, and 94 were wounded, Quick said. EOD technicians have responded to some 112,000 calls for their services in Iraq and 45,000 in Afghanistan, she added.

While Quick, Coleman and other speakers said the long wars have resulted in EOD forces being the best equipped and most experienced since the specialty emerged during World War II, there is still a constant need to keep pace with new tactics being employed by the bomb makers.

"While we have made tremendous progress and significant improvements in equipment and training over the last 10 years, we must remain vigilant and focused in staying in front of the dynamic and evolving nature of our enemy's

threat," Quick said.

Coleman put it in more blunt terms: "We can't go back to shooting behind the duck in terms of technology to defeat this IED threat."

The research and development community needs to get ahead of the curve and look at the potential ways enemies will use bombs in the future. As a Navy officer, for example, Coleman said he worries about submersible IEDs, a threat that has not emerged, but could someday.

"In the last 10 years we have come from being underfunded, under-resourced, and under-equipped to catching up to the fight," said Coleman. But that is what it is: a game of catch-up, he added.

Col. Dick Larry, chief of the adaptive Counter-IED/EOD solutions division at the Department of the Army headquarters, said, "Our adversary changes quicker than we do."

An insurgent "has no bureaucracy. He can do things much quicker than I can do. Whenever I come up with a new jammer, I've got to look three moves ahead. What have I forced him to do now that I have this new jammer?" said Larry.

The services' bomb technicians have several tools to help them with their inherently dangerous work. The radio-frequency jammers to which Larry referred prevent insurgents from detonating bombs through the airwaves. Bomb suits provide some protection in the event that an IED explodes. Robots can provide a view of a bomb from a safe distance, and their manipulators can sometimes be used to render them safe without the specialists needing to put on the cumbersome suits. Metal detectors have been around since World War II. Recently, ground penetrating radar, which can see nonmetallic shapes, have been integrated onto the metal detectors. Explosives used to detonate IEDs in a controlled manner are also employed.

EOD specialists also gather evidence that is turned over to units such as Joint Task Force Paladin, which goes after the networks of bomb makers and those who fund the operations.

The Afghanistan surge is an example of how the Defense Department is yet again playing catch-up with insurgents who use improvised explosives.

In Iraq, there was a nonstop, deadly game between the bombers, who constantly changed the types of detonation triggers, and organizations such as JIEDDO, which was stood up in 2006 to respond to the rapidly rising casualty toll. The triggers and bombs became more and more sophisticated. Simple command wires evolved to remotely controlled devices. When jammers were fielded, insurgents switched to commercially available technologies such as garage door openers which did not rely on radio frequencies. At one point, U.S. military officials counted 90 methods to trigger a roadside bomb.

Eventually, the explosives themselves became more potent. Explosively formed projectiles, designed to penetrate up-armored vehicles, arrived in theater.

As operations in Iraq drew down, and the Afghan surge picked up, the Defense Department's counter-IED enterprise was again behind the curve, several speakers at the conference said. Afghan insurgents turned the clock back and began employing "pressure plate explosives," or victim-activated bombs, an improvised landmine that relies on a person or vehicle stepping or driving on it to trigger the device. Jammers and command-wire detectors do nothing to defeat them. Tragically, Afghan civilians step on the mines as well.

"The threat is very complex in a rudimentary way. I'm not trying to be facetious when I say that," said Col. Leo Bradley, commander of the Army's 71st Ordnance Group at Fort Carson, Colo.

Afghan IEDs have a low metallic signature, often employing wood as a casing. They are not technologically sophisticated and use materials that are readily available, he said. They are difficult to find using standard mine detectors that seek out ferrous metals.

"While it looks crude, it's actually quite sophisticated and matched asymmetrically to what our detection capabilities are," Bradley said.

The explosives being used include a variety of ordnance, or homemade explosives with a variety of chemical signatures. The triggers "could be electronic or non-electronic. The list goes on and on and on," he added.

To develop sensors that can identify the key components is a tough technological challenge. "An improvised explosive device is just that, it's improvised. It doesn't have a standardized form. You have to be able to identify something that could look like anything ... It is a wicked problem."

The explosives are sometimes made from ammonium nitrate, a common fertilizer found throughout the region. It was most famously employed in the Oklahoma City bombing in 1995. Today, the chemical is banned in Afghanistan in an effort to reduce the amount of material on hand. How effective that ban is in a country where smuggling is rampant is unknown.

Sensors that can pick up nitrate-based explosives are relatively inexpensive and a mature technology. But a field covered

In fertilizer creates a lot of clutter. Navy Cmdr. Todd Siddall, deputy commander of Coalition Joint Task Force Paladin, the organization in charge of defeating bomb-making networks in Afghanistan, acknowledged that farmers still use it.

"Are they bad guys? No they are just out there trying to earn a living," he said.

EOD teams have not only had to contend with changes in enemy tactics, but those being ordered by U.S. Central Command. Navy Capt. Frederick E. Gaghan, chief of the technology requirements division at JIEDDO, said new counter-insurgency strategies that require troops to leave their vehicles and go on foot patrols, also caught the organization off guard. Dismounted operations have resulted in a higher casualty rate, he said.

"We are trying to respond to that," he added. "One of the issues we have had is trying to identify in advance what the war fighters requirements are," he said.

Siddall said there are now 14 different handheld devices fielded in Afghanistan used to detect improvised explosive devices. Most of them work well, but imagine a dismounted operation where an EOD team comprising three personnel must carry sensors, a small robot, plastic explosives used to detonate bombs they discover, a radio frequency jammer, not to mention food, water, weapons and ammunition, he said.

Sensors carried into the field include the metal detectors, ground-penetrating radar and a device designed to find hidden tripwires. With all that loading down EOD personnel, the 90-pound protective bomb suits are being left behind, said Siddall. Units have been given lighter robots, but they are not as capable as the larger models, he added.

Coleman said: "We have got to do everything we can to drive down that weight."

"We are backing into the future. We are meeting today's needs and today's gaps as best we can, but we're not looking over our shoulder to find out what tomorrow's fight is going to be," he said.

The EOD community will have to do this in a time of constrained resources, he added. JIEDDO, when he served there, could spend a lot of money to bring forth new counter-IED technology. It didn't matter how much it cost. Schedule was the primary driver. As long as a vendor could deliver a solution to solve a problem quickly, the funding was there. Now, with fiscal pressures, JIEDDO will be saying, "we need it now, but we won't be able to pay more," Coleman said.

Gaghan said JIEDDO will adapt accordingly as its fiscal situation changes. But he believed the organization will continue to exist as long as the improvised explosive threat is around. Globally, the scourge continues unabated, he noted. Putting Iraq and Afghanistan aside, there were about 400 IED incidents every month in 2010 with Pakistan, India, Somalia and Thailand topping the list. Put Iraq and Afghanistan back into the equation, then there were more than 11,500 incidents last year, Gaghan said.

As for responsiveness, JIEDDO does have special working groups that look at future and emerging threats such as the use of lasers as triggering devices, various maritime IEDs "and other things we can't discuss," he said.

He pointed to statistics that indicated that JIEDDO's efforts in Afghanistan are having an impact. While the number of bomb emplacements from October to May held steady, the number of "effective" attacks — ones that caused harm — dropped from 21 percent to 16 percent. While that may not seem like a large decrease, "The drop in a single percentage point means someone is coming home safe," he added.

Meanwhile, JIEDDO has put out a request for information for robots that can move ahead of dismounted troops and trigger pressure plate explosives before they can do harm. The organization is trying to leverage work done by several Defense Department labs that have developed leader-follower drones designed to carry equipment. It wants to know if this work could be adapted for robots that would move ahead of foot patrols instead of following them. But he acknowledged that fielding such a capability would take many months.

A vendor who asked not to be named because his organization is responding to the RFI, said it will be a hard problem — especially if these robots are intended to be expendable and therefore, inexpensive. A typical ground robot also would either have to be heavy enough to set off an improvised landmine or have some kind of attachment, like a mallet, that would pound the ground.

To get ahead of insurgents' changing tactics, Edwin Bundy, program manager for EOD programs at the office of the secretary of defense's combating terrorism technical support office, said he is looking at an Australian program that organizes "fly-away" teams. When a new IED threat emerges, a group of experts is assembled that can travel quickly to investigate and determine what possible solutions can be applied to neutralize the problem.

They can bring back technical requirements based on the operational context that the bombs are in. For example, soil conditions are a factor when it comes to rendering roadside bombs safe. A soil expert could be part of the team.

They may know of a technology that could provide an 80 percent solution in the short term. They also would know what existing technologies are out of reach.

"We would all love to have Tricorder but that is a long ways off," Bundy said.

Reader Comments

ATTACHMENT B

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EXCLUSIVE: Taliban makes IEDs deadlier

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By Rowan Scarborough - The Washington Times

Tuesday, September 15, 2009

The Taliban has been building simpler, cheaper anti-personnel bombs made of hard-to-detect nonmetal components, increasing the number of lethal attacks on NATO forces in Afghanistan, according to a confidential military report.

The shift in the use of improvised explosive devices (IEDs) away from larger anti-armor bombs has allowed the Taliban to produce more weapons and hide them in more places as they strive to kill larger numbers of American forces in southern Afghanistan's Helmand province and other contested regions.

The change in production from metal-dominated explosives to devices made of plastic is making it more difficult for ground troops to detect the buried IEDs with portable mine-detectors, creating an "urgent need" inside the Pentagon for better detection devices, the report said.

The new Taliban tactics are disclosed in a confidential report from the Pentagon's Joint Improvised Explosive Device Defeat Organization, portions of which were obtained by The Washington Times.

The area around Now Zad, northwest of Kandahar, has experienced some of the most ferocious fighting for control of southern Afghanistan since the surge of 21,000 U.S. troops began last spring. News reports and military bloggers say Marines on patrol face a constant threat from hidden IEDs.

"Although the Taliban still fights with small-arms, rocket-propelled grenades and improvised explosive devices, they have increasingly focused the role of IEDs as antipersonnel devices," the report said. "Smaller, lighter, more quickly constructed and quite often triggered by a victim-operated switch [booby trap], these antipersonnel IEDs have been a significant factor in labeling Now Zad the most dangerous location with the highest U.S. casualty rate in either the Afghan or Iraq theaters."

The Aug. 11 report, titled, "The Taliban's Emerging IED TTPs in the Proving Grounds of Now Zad, Helmand Province," was written by an analyst at U.S. Central Command, which oversees troops in the Middle East and Afghanistan. TTPs is short for tactics, techniques and procedures.

The shift in tactics comes at a particularly sensitive time for President Obama. Sentiments inside the Pentagon lean toward sending more troops to Afghanistan, while key Democrats oppose such an expansion as the number of casualties grows in the theater.

The research Web site icasualties.org reports 328 NATO fatalities so far this year, already making it the most deadly since the war began in October 2001. The U.S. has lost 190 service members this year, after reporting 155 deaths last year.

In the past two months, more than half of the battlefield deaths suffered by NATO troops were caused by IEDs. This month, of 31 fatalities, 15 came from IEDs; in August, 46 of the 77 coalition deaths resulted from these devices, according to icasualties.org.

The Pentagon report said the Taliban IED research-and-development program used the Now Zad region to show that smaller, more numerous IEDs kill more people. The rate for dead and wounded for the 2nd Battalion, 7th Marine Regiment stood at one-third of the unit in August, the report said. A typical Marine battalion has 800 to 1,000 troops.

A military official, who monitors Afghanistan and asked not to be named because he was not authorized to speak to the media, said the Taliban is shifting to small IEDs for a number of reasons.

"You've got the fear factor," the source said. "It's also less costly. It's easier for them to build those things and use them as opposed to running the risk of getting in firefights and losing people. The cost is

relatively low. We're fighting guys who from all appearances are from three centuries ago, but we can't figure out how to beat them."

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The Pentagon report said the Taliban has become adept at mining a road called the "Pakistani Alley" -- so-named because Taliban militants use it to ferry in new fighters from the neighboring country.

"U.S. troop movements are split between foot and mounted patrols," the report said. "The terrain and deplorable road conditions often necessitate that foot patrols be conducted on uneven terrain. The Taliban have taken advantage of this by littering the area north of 'Pakistani Alley' with numerous antipersonnel IEDs to maintain control over their northern buffer-zone."

Robert Maginnis, a military analyst and Army adviser, said IEDs are tailor-made for Afghanistan.

"IEDs are effective in Afghanistan in part because of the terrain," Mr. Maginnis said. "There are few paved roads, which means planting a device in or near a road is easier and harder to detect by visual inspection. The increase in Taliban use of IEDs is due to the increased coalition forces in country, which forced the relatively small Taliban force to adjust its tactics. It stretches the force's impact."

Lt. Col. Edward Sholtis, a spokesman for Gen. Stanley McChrystal, the top commander in Afghanistan, told The Times the general has stepped up efforts to disrupt networks before they can plant bombs, and get better intelligence on where they are embedded in light of "the weapons' increasing use against coalition forces and because of the impact of a larger number of indiscriminate, victim-operated IEDs on the Afghan people."

"Like most everything in Afghanistan, the IED threat here is complex, and we go about addressing it in a number of ways," Col. Sholtis said. "Broadly speaking, there's an offensive component that involves intelligence collection tied to Afghan and coalition operations designed to identify and disrupt the cells that manufacture, place and operate IEDs."

"There's also a robust defensive component that involves a comprehensive reporting system that tracks IED events, disseminates threat intelligence to all levels, identifies emerging threats and lessons learned, and trains the force in the latest threats and countermeasures."

Two nonmetallic ingredients, salt solution and carbon, are being considered by the Taliban as IED trigger mechanisms, the Pentagon report said. The Taliban can harvest carbon from everyday batteries. This reduces the amount of metal, making detection difficult.

"The use of IEDs as antipersonnel mines offers several distinct advantages," the report said. "They are small and easily transported and emplaced. They are easily camouflaged and do not need to be remotely controlled. In addition, antipersonnel IEDs are almost always lethal to their victims and are extremely difficult to detect with current U.S. minesweepers."

One Taliban tactic involves waiting until NATO forces enter an IED field. Once a bomb explodes, the militants open fire with mortars and rocket grenades.

The military source said the Taliban is also thwarting detection by using long pull-cords rather than an electronic signal to ignite IEDs. This way, the bomb cannot be defeated by electronic countermeasures on vehicles and aircraft that jam the signal.

The source, who completed several tours in Afghanistan, said the Taliban strategy has been to abandon some villages rather than fight the Marines head-on. They then watch the Marines' routines and place IEDs along those routes.

The Pentagon report said the current mine detector, the AN/PSS-12, is not sufficiently sensitive to pick up the scarce metal in anti-personnel IEDs. "There is an urgent need to identify new man-portable detection platforms to expand the ability of U.S. troops to detect anti-personnel IED-mines," the report concludes.

One system now readily available commercially consists of electric field sensors, which can pick up electricity from nonmetallic conductors, the report said.

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES)

v.)

MANNING, Bradley E., PFC)

U.S. Army, [REDACTED])

Headquarters and Headquarters Company, U.S.)

Army Garrison, Joint Base Myer-Henderson Hall,)

Fort Myer, VA 22211)

**DEFENSE RESPONSE TO
GOVERNMENT MOTION FOR
APPROPRIATE RELIEF**

MENTAL HEALTH RECORDS

DATED: 10 August 2013

RELIEF SOUGHT

1. COMES NOW PFC Bradley E. Manning, by counsel, pursuant to applicable case law and Military Rule of Evidence (M.R.E.) 302(a), requests this Court to deny the Government's request for access to the Rule for Courts-Martial (R.C.M.) 706 report.

STANDARD

2. The burden of proof and persuasion is upon the Government. R.C.M. 905(c)(1) and (c)(2). A military judge's decision to admit or exclude evidence is reviewed for an abuse of discretion. *United States v. Stephens*, 67 M.J. 233, 235 (C.A.A.F. 2009).

DISCUSSION

3. The Government cites various provisions of M.R.E. 302 to suggest that this Court may order disclosure of the R.C.M. 706 report (either in whole or in part) to the Government. The Government argues, "Although here the defense has not raised an insanity defense, the proffered testimony of Dr. Moulton indicates the defense will make an issue of the accused's mental health." Government Motion, p. 4. The Government fails to recognize that under M.R.E. 302, disclosure of the R.C.M. 706 report only applies when the accused has raised the insanity defense or has otherwise tried to negate the *men rea* of an offense during merits through mental health testimony. *United States v. Clark*, 62 M.J. 195 (C.A.A.F. 2005). The extensive and exhaustive analysis to this rule confirm that it was enacted to deal *solely* with the use of the insanity defense in order to negate *mens rea* at the time of the offense – not the plethora of other instances in which mental health may be at issue.

4. The Analysis begins by stating:

Introduction. The difficulty giving rise to Rule 302 and its conforming changes is a natural consequence of the tension between the right against self-incrimination

and the *favored position occupied by the insanity defense*. If an accused could place a defense expert on the stand to testify to his lack of mental responsibility and yet refuse to cooperate with a Government expert, it would place the prosecution in a disadvantageous position. The courts have attempted to balance the competing needs and have arrived at what is usually, although not always, an adequate compromise; *when an accused has raised a defense of insanity* through expert testimony, the prosecution may compel the accused to submit to Government psychiatric examination on pain of being prevented from presenting any defense expert testimony (or the striking what expert testimony has already been presented). However, at trial the expert may testify *only* as to his or her conclusions and their basis and not as to the contents of any statements made by the accused during the examination.

Analysis to M.R.E. 302 (some emphasis added). It is clear that the entire rule was promulgated to deal with competing interests presented by the accused's use of the insanity defense. The analysis goes on to discuss in detail the purposes behind the policy of not permitting Government counsel to have access to the full sanity board report (i.e. to encourage the accused's full and frank disclosure of all relevant evidence to the sanity board).

5. M.R.E. 302 contemplates, however, that there may be instances where the Government is entitled to the full report. M.R.E. 302(c) reads:

(c) *Release of evidence*. If the defense offers expert testimony concerning the mental condition of the accused, the military judge, upon motion, shall order the release to the prosecution of the full contents, other than any statements made by the accused, of any report prepared pursuant to R.C.M. 706. If the defense offers statements made by the accused at such examination, the military judge may upon motion order the disclosure of such statements made by the accused and contained in the report as may be necessary in the interests of justice.

The Government would like to rely on this to say that because the defense is offering testimony regarding PFC Manning's mental state in sentencing, the Government is entitled to the full R.C.M. 706 report. It is critical to read M.R.E. 302 in conjunction with the M.R.E. analysis. The analysis provides:

(c) *Release of evidence*. Rule 302(c) is new and is *intended to provide the trial counsel with sufficient information to reply to an insanity defense raised via expert testimony*. The Rule is so structured as to permit the defense to choose how much information will be available to the prosecution by determining the nature of the defense to be made. *If the accused fails to present an insanity defense or does so only through lay testimony, for example, the trial counsel will not receive access to the report*. If the accused presents a defense, however, which includes specific incriminating statements made by the accused to the sanity board, the military judge may order disclosure to the trial counsel of "such statement. . . as may be necessary in the interest of justice." Inasmuch as the revision of paragraph 121 and the creation of Rule 302 were intended primarily to deal with the situation in

which the accused denies committing an offense and only raises an insanity defense as an alternative defense, the defense may consider that it is appropriate to disclose the entire sanity report to the trial counsel in a case in which the defense concedes the commission of the offense but is raising as its sole defense the mental state of the accused.

6. It is clear from the Analysis that the rule applies only when the accused presents an insanity defense—not every time and in every instance where the accused’s mental health might be in issue. Indeed, the wording could not be more clear: “If the accused fails to present an insanity defense ... the trial counsel will not receive access to the report.” *Id.* Indeed, this very line is repeated in the case that the Government cites as somehow supporting its position. *See United States v. Clark*, 62 M.J. 195, 198 (C.A.A.F. 2005) (“M.R.E. 302 was specifically drafted to allow the defense to control whether an accused’s statements to a sanity board would be released to the prosecutors and presented at the court-martial. If the defense does not allege insanity at court-martial, or does so only through lay testimony, the sanity board report will not be provided to the prosecution.”).

7. The limitation captured in M.R.E. 302 is a common sense proposition. Various entities have the ability to compel the accused to undertake an R.C.M. 706 examination (the Government, the Military Judge, the Investigating Officer). *Clark*, 62 M.J. at 198 (“M.R.E. 302 does not distinguish between a psychiatric evaluation ordered by the Government and an evaluation requested by the defense.”). If it were the case that the accused would be compelled to share the entire R.C.M. 706 Board report any time the accused wanted to raise any “mental health” issue, this would put the Government in an incredibly powerful position: it could always order an R.C.M. 706 Board, secure in the knowledge that if the accused raises any mental health issues, broadly construed, it could get access to the R.C.M. 706 report in order to fish for potentially damaging evidence.¹ In turn, the accused is placed in a very difficult position. The accused is forced to decide between raising mental health issues in merits or mitigation and disclosing to the Government unrelated information which the Government will undoubtedly attempt to capitalize on.

8. The purpose of the R.C.M. 706 investigation is to inquire into whether the accused has the capacity to stand trial. Here, the R.C.M. 706 Board determined that PFC Manning did have the capacity to stand trial. PFC Manning has not raised insanity as a defense. Accordingly, the Defense should not have to disclose the R.C.M. 706 Board results to the Government.

9. Further, the connection between an R.C.M. 706 Board and “any mental health issue” is too attenuated to warrant production of the report. For instance, if in sentencing, the accused presents evidence through a medical expert that at the time of the offense, he was depressed and suffered from dependency upon alcohol, how does this relate to the 706 Board’s mandate to determine competency? Simply raising *any* of a spectrum of hundreds, if not thousands, of

¹ The potential for abuse is ripe. If the Government wanted access to the R.C.M. 706 Board results, it could introduce evidence to suggest that the accused did not have any mental issues, essentially forcing the Defense to respond in some way. When the Defense did so, the Government could then, under the guise of the Defense placing “mental condition” at issue, insist on full access to the R.C.M. 706 report.

mental health issues should not put the accused at risk of having to disclose the entire R.C.M. 706 report which would not have to be otherwise disclosed.

10. The case relied on by the Government, *United States v. Clark*, 62 M.J. 195, 198 (C.A.A.F. 2005), wholly supports the Defense's position. There, the Government was seeking access to the R.C.M. 706 report, in the context of an insanity defense. The Court decided that because the Defense's expert did not rely on the report, the Government was not entitled access to the report in its entirety. Far from supporting the Government's position, *Clark* undermines it, as it discusses access to the R.C.M. 706 Board report solely in the context of an insanity defense. Nothing in C.A.A.F.'s decision or reasoning supports the view that anytime the Defense brings up anything broadly related to mental health, the Government is then entitled to access to the report.

11. The Defense is unaware of any case that would support the Government's position of being entitled to the R.C.M. 706 report whenever the Defense offers mental health testimony in sentencing. The lack of support for the Government's position is not surprising since R.C.M. 706 and M.R.E. 302 are designed to deal with mental responsibility issues during the merits phase of the trial and whenever the accused is introducing mental health testimony to negate the *mens rea* for an offense.

12. Moreover, the Defense expert, Dr. David Moulton, did not rely on the R.C.M. 706 Board results or report in any way in coming to any of his conclusions about the gender identity issues and other stressors that PFC Manning was struggling with during deployment. The fact Dr. Moulton did not consider the 706 report is yet another basis to deny the Government's request. Ultimately, this is nothing more than a fishing expedition by the Government—and one that is clearly not permitted by the rules or by common sense.

13. The Government also seeks the following additional relief in its motion which the Defense asserts is not at issue for this Court to decide:

a) Basis of Opinion: The Government requests access to the facts or data underlying Dr. Moulton's expert opinion. The Defense has already complied with this request and has given the Government access to the facts or data underlying Dr. Moulton's expert opinion. As such, the Defense does not believe there is any remaining issue for the Court to resolve.

b) Inadmissible Basis for Opinion: The Government also requests that the Court, under M.R.E. 703, restrict Dr. Moulton from disclosing "facts or data that are otherwise inadmissible" unless the Court determines that the probative value of this information "to evaluate the expert's opinion substantially outweighs their prejudicial effect." M.R.E. 703. The Defense does not intend to elicit any facts or data that are not otherwise admissible. Dr. Moulton, however, will be prepared to discuss facts or data that are otherwise inadmissible should the Court desire to hear this information in assisting the Court to evaluate Dr. Moulton's expert opinion.

c) R.C.M. 914 Statements: The Defense does not have any material that would qualify as a statement under R.C.M. 914.

CONCLUSION

14. In light of the foregoing, the Defense requests this Court to address the only remaining issue by denying the Government's request for access to the R.C.M 706 report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Coombs', with a stylized flourish at the end.

DAVID EDWARD COOMBS
Civilian Defense Counsel

McLamb, Amber M SGT USARMY MDW (US)

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Saturday, August 10, 2013 5:02 PM
To: Lind, Denise R COL USARMY (US)
Cc: 'coombs@armycourtmarialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Bennett, Jessica D SSG USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Raffel, Michael J SFC USARMY (US); Moore, Katrina R MSG USARMY HQDA OTJAG (US)
Subject: Defense Judicial Notice

Ma'am,

The United States does not object to the Court taking judicial notice of these two news articles, for the defense's proffered purpose of showing "these quotes were uttered and appeared in the article" and not for the truth of the matter asserted.

v/r
MAJ Fein

Appellate Exhibit 654a

2 pages

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**GOVERNMENT RESPONSE TO
DEFENSE OBJECTIONS UNDER
RCM 1001(b)(4)**

MajGen McKenzie / RADM Donegan

9 August 2013

(U) The United States respectfully requests the Court deny the defense objections under Rule for Courts-Martial (RCM) 1001(b)(4) because the accused's misconduct directly contributed to the matters described in the testimony of RADM Donegan and MajGen McKenzie, and is proper aggravation evidence under RCM 1001(b)(4) and the Court's ruling in Appellate Exhibit 639. This filing incorporates the defense objections provided to the Government by defense counsel on 9 August 2013.

1. (U) RADM Donegan's testimony regarding what information may have been disclosed and the potential damage that could ensue. RCM 1001(b)(4).

Answer: (U) The Government's recollection is that RADM Donegan's testimony focused on what actually was disclosed in the SIGACTs. He further elaborated that the disclosures of SIGACTs created a risk of damage or harm, which falls squarely within the Court's ruling on proper aggravation evidence.

2. (U) RADM Donegan's testimony regarding the length of time his office worked on WikiLeaks (e.g. standing up Crisis Action Team, 24 hour ops, etc.). RCM 1001(b)(4).

Answer: (U) The Government notes that the defense did not object to this testimony at the time it was received into evidence. Furthermore, this testimony is directly analogous to the testimony provided by BG(R) Carr. This testimony was proper aggravation evidence tied directly to steps taken by the USG, in this CENTCOM, to mitigate potential damage caused by public dissemination of information given to WikiLeaks by the accused.

3. [REDACTED]

Answer: [REDACTED]

Classified by: JoDean Morrow
Derived from: Multiple Sources
Declassify on: 25X1

[REDACTED]

4. [REDACTED]

Answer: [REDACTED]

5. [REDACTED]

Answer: [REDACTED]


JODEAN MORROW
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on defense counsel,
on 9 August 2013.


JODEAN MORROW
CPT, JA
Assistant Trial Counsel

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**RULING: Government Motion
For Appropriate Relief:
RCM 706 long form**

12 August 2013

On 8 August 2013, the Government filed a motion for the Court to order the Defense to provide the Government with the full contents of the RCM 706 report regarding the Inquiry into the Mental Capacity or Mental Responsibility of PFC Manning (RCM 706 report) in accordance with MRE 302(c)(AE 645). On 10 August 2013, the Defense filed a response in opposition (AE 652).

Findings of Fact:

1. An Inquiry into the Mental Capacity or Mental Responsibility of PFC Manning under RCM 706 was conducted (RCM 706 Board). On 22 April 2011, the RCM 706 Board issued its report. Per RCM 706(c)(3)(A) and (B), only a statement of the RCM 706 Board's conclusions as to specified questions was released to the trial counsel. Defense counsel received the full contents of the RCM 706 report.
2. The Defense intends to elicit expert testimony as to the mental condition of PFC Manning through Dr. Moulton during sentencing proceedings.

The Law:

1. PFC Manning has a privilege to prevent any statement made by him at a mental examination ordered under RCM 706 and any derivative evidence obtained through the use of such a statement from being received into evidence against him on the issue of guilt or innocence or during sentencing proceedings. MRE 302(a).
2. There are two exceptions to the MRE 302(a) privilege: (1) There is no privilege when the accused first introduces into evidence such statements or derivative evidence; and (2) If the Court allows the Defense to present expert testimony as to the mental condition of the accused, an expert witness for the Government may testify as to the reasons for his/her conclusions but such testimony may not extend to statements of PFC Manning except as provided under exception (1). MRE 302(b)(1) and (2).
3. MRE 302(c) requires the Court to order release to the Government of the full contents of the RCM 706 report minus PFC Manning's statements if the Defense offers expert testimony concerning the mental condition of PFC Manning. MRE 302(c) in relevant part.

4. The Court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence as to make those procedures effective for determining the truth and avoid wasting time. MRE 611(a)(1) and (2); *U.S. v. Bledsoe*, 26 M.J. 97 (C.M.A. 1988).

Conclusions of Law:

1. MRE 302(c) does not distinguish between merits and sentencing. The rule requires the Court to order the Defense to release to the Government of the full contents of the RCM 706 report minus PFC Manning's statements if the Defense offers expert testimony concerning the mental condition of PFC Manning.

2. The Defense has advised the Court of its intent to introduce expert testimony concerning the mental condition of PFC Manning through Dr. Moulton on Wednesday, 14 August 2013.

Ruling: By 0830, 13 August 2013, the Defense will release the full contents of the RCM 706 report to the Court for *in camera review* along with a second copy of the RCM 706 report with proposed redactions identifying the redactions the Defense believes to be statements made by PFC Manning and the redactions the Defense believes to be paraphrases of statements made by PFC Manning. The Court will examine the full RCM 706 report and proposed redactions to ensure the proposed redactions are proper redactions under MRE 302(c), make any further rulings as necessary, and provide the redacted copy to the Government to allow the sentencing proceedings to proceed without unnecessary delay.

So **ORDERED** this 12th day of August 2013.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

**RULING: Defense Motion
For Appropriate Relief
Under RCM 1001(b)(4):
RADM Donegan/MajGen McKenzie**

9 August 2013

On 9 August 2013, in accordance with the procedures established in the Court's Ruling: Defense Motion for Appropriate Relief Under RCM 1001(b)(4) (AE 639), the Defense filed five objections to the testimony of RADM Donegan and MajGen McKenzie. The Defense objections were from testimony given in closed session and the substance of the objections is classified. The Government compiled a joint classified filing including the Defense objections and the Government responses to the objections (AE 654a). The unclassified redacted joint classified filing is AE 654b. The Court's ruling on each objection is as follows:

Objection 1. RADM Donegan testified about actual WikiLeaks releases and actual harm to national security caused in two countries as a result of the releases. This is evidence that is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4).

Objection 2. The testimony involved steps by the United States government, and agencies therein, to mitigate potential damage caused by public dissemination of information given to WikiLeaks by PFC Manning. It is directly relating to and resulting from PFC Manning's offenses. The Court ruled such evidence is admissible aggravation evidence on 5 August 2013 (AE 639).

Objection 3. The testimony that particular WikiLeaks' disclosure of information given by PFC Manning occurred was one of several direct causes of the harm identified in this objection. The testimony is evidence that PFC Manning's offenses were a proximate cause of the harm. This is evidence that is directly related to or resulting from PFC Manning's offenses. The evidence is admissible under RCM 1001(b)(4).

Objection 4: The factual testimony in the Government's answer to the Defense objection is admissible aggravation evidence under RCM 1001(b)(4). The particular quotation in the Defense objection is speculative and not admissible under MRE 403. The Court will not consider it.

Objection 5: The opinion at issue was elicited during the Court's questioning of MajGen McKenzie regarding other issues. The witness was not qualified as an expert. The Court will not consider the opinion under MRE 403.

MRE 403 analysis.

The probative value of those portions of the testimony and evidence ruled admissible as aggravation evidence under RCM 1001(b)(4) is not substantially outweighed by the danger of unfair prejudice under MRE 403. The Court has applied MRE 403 to each of the objections and limited the scope of the testimony to matters directly related to or resulting from PFC Manning's offenses and not otherwise speculative or unduly prejudicial.

So **ORDERED** this 13th day of August 2013.



DENISE R. LIND

COL, JA

Chief Judge, 1st Judicial Circuit

Appellate Exhibit 657a
60 pages
ordered sealed for Reason 4
and Reason 7 (defense)
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

Appellate Exhibit 657b
60 pages
ordered sealed for Reason 4
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**RULING: Defense Motion
For Appropriate Relief
Under RCM 1001(b)(4):
CDR Youssef Aboul-Enein**

14 August 2013

On 8 August 2013, in accordance with the procedures established in the Court's Ruling: Defense Motion for Appropriate Relief Under RCM 1001(b)(4) (AE 639), the Defense filed four objections to the testimony of Commander (CDR) Youssef Aboul-Enein (AE 647). The Government filed a response in opposition (AE 648). Each Defense objection is listed below followed by the Government response and the Court's ruling on the objection.

Objection 1. CDR Aboul-Enein's testimony that specifically mentioned the Little Rock recruiting station shooting and the Fort Hood shooting is irrelevant under both MRE 402 and MRE 403. The Defense requests that the Military Judge not consider that testimony in her capacity as the Sentencing Authority.

Government Position: CDR Aboul-Enein testified that al Qaeda seeks to elicit acts of violence against the United States in a leaderless environment. CDR Aboul-Enein testified that these are examples of attacks desired by al Qaeda. CDR Aboul-Enein's statement demonstrates examples and context of the affects of al Qaeda propaganda. CDR Aboul-Enein testified that the accused's misconduct provided a basis for al Qaeda propaganda, and that the accused's misconduct strengthened propaganda. Al Qaeda's propaganda is permissible aggravating evidence of the risk of damage or harm caused by the accused's misconduct. See Appellate Exhibit 639. Therefore, CDR Aboul-Enein's testimony of examples is context for proper aggravating evidence.

Ruling: CDR Aboul-Enein cited the Little Rock recruiting station shooting and the Fort Hood shooting as examples of why al Qaeda believes narrative is important to recruitment. The testimony is relevant. The Court takes judicial notice that both events took place prior to PFC Manning's offenses. The Court will consider this evidence solely for the purpose of serving as examples of why narrative is important to al Qaeda for recruitment. Considered as context evidence, the probative value of this testimony is not substantially outweighed by danger of unfair prejudice under MRE 403.

Objection 2. CDR Aboul-Enein's general testimony about the implicit threat to British and American officials from militant islamist organizations through public identification. The only matters appropriate for consideration are the threats that directly related to or resulted from PFC Manning's misconduct. The general testimony about the practice is barred by RCM 1001(b)(4).

Government Position: CDR Aboul-Enein's testimony regarding the Al Qaeda practice of threatening British and American officials serves as foundation and explanation for the types of threats employed by Al Qaeda. CDR Aboul-Enein testified that Al Qaeda threatened individuals named in WikiLeaks in information compromised by the accused. Therefore, CDR Aboul-Enein's testimony regarding threats against British and American officials should be considered as context for the threats Al Qaeda made in Inspire magazine against individuals revealed by the accused's misconduct.

Ruling: The testimony was that Inspire magazine used WikiLeaks images associated with named government individuals and also used WikiLeaks released cables associated with named government individuals. The ensuing risk of danger to these individuals relates directly to and results from PFC Manning's offenses. This testimony is admissible aggravation evidence under RCM 1001(b)(4).

Objection 3. The testimony beginning with the discussion of the "Manchester Document" and ending with how that historical lesson provides insight into how militant islamists may use the purported Significant Activity Reports (SIGACTs) from CIDNE-I/A. This testimony involved a level of speculation that made it inadmissible. ("Speculation" was the word used by CDR Aboul-Enein on both direct and cross on this particular topic.) There was no application of expertise to a given set of facts by the witness – only the telling of a fabricated narrative. MRE 702. The defense also objects to the evidence as violating RCM 1001(b)(4).

Objection 4. CDR Aboul-Enein's testimony regarding militant islamist organizations potential uses of SIGACTs. Again, "speculation" was the word used by CDR Aboul-Enein. By speculating, even an expert fails to meet the appropriate standards for his testimony under MRE 702. The evidence is also inadmissible under RCM 1001(b)(4).

Government Position with respect to Objections 3 and 4: CDR Aboul-Enein's testimony regarding the Manchester Document falls within his expertise in al Qaeda terrorism and his broad experience, which is detailed in Prosecution Exhibit 183. CDR Aboul-Enein was qualified as an expert in al Qaeda terrorism and its ideology. Terrorism involves the use of information to serve terrorist goals. CDR Aboul-Enein testified that compromised information in the Manchester Document was connected to al Qaeda operational activities. Additionally, CDR Aboul-Enein testified that the information contained in the Manchester Document was associated with al Qaeda tactics, to include tactics about resisting arrest. CDR Aboul-Enein further testified that al Qaeda's use of the information was discovered over ten years after al Qaeda first obtained the information and that Al Qaeda was still in possession of the information when it was discovered in 2000. This testimony serves as foundation and explanation of al Qaeda's use of military information compromised by the accused. CDR Aboul-Enein testified that it was his opinion that al Qaeda had an interest in the types of military information contained in the Manchester Document because al Qaeda had used it.

CDR Aboul-Enein testified that he was familiar with SIGACTs. CDR Aboul-Enein testified that SIGACTs contain military information, which is similar to information in the Manchester document. CDR Aboul-Enein testified that, in his opinion, al Qaeda is interested in SIGACT information. Al Qaeda's interest in SIGACT information is permissible aggravating

evidence of the risk of damage or harm caused by the accused's misconduct. *See* Appellate Exhibit 639.

CDR Aboul-Enein testified that al Qaeda is interested in military operational information and employed such information in its training manuals. CDR Aboul-Enein testified that al Qaeda, in Inspire magazine, requested that SIGACTs be "datamined." CDR Aboul-Enein was qualified as an expert in al Qaeda terrorism. Terrorism includes operational activities, to include violent attacks. Accordingly, CDR Aboul-Enein testified that, in his opinion, al Qaeda would use information compromised by the accused in its operations because al Qaeda had requested the information be "datamined" and al Qaeda had used similar information previously in the Manchester Document. CDR Aboul-Enein's opinion that al Qaeda would use SIGACT information is permissible aggravating evidence of the risk of damage or harm caused by the accused's misconduct. *See* Appellate Exhibit 639. Finally, CDR Aboul-Enein also testified that al Qaeda is a clandestine organization and that discovery of its uses of compromised information is not immediately discoverable.

Ruling – objections 3 and 4: The objected to testimony involves CDR Aboul-Enein's testimony about the type of military information al Qaeda is interested in and the capacity of al Qaeda to gather and analyze the English language SIGACTs released by WikiLeaks. CDR Aboul-Enein used the Manchester Document and Soviet manuals as examples of the type of military information al Qaeda is interested in and how they use the information to draft their own training manuals and procedures. CDR Aboul-Enein is familiar with SIGACTs and, on direct examination, testified how language is not a barrier to translation. During this testimony, CDR Aboul-Enein used the word "speculate" when testifying about examples of how al Qaeda could use information from the SIGACTs to analyze and deduce patterns of behavior of U.S. Forces, develop counter measures and ambushes, and gain understanding of how U.S. forces operate to emulate the techniques. These examples of the type of information in the SIGACTs that al Qaeda would be interested in and how al Qaeda has capacity to gather and analyze such information is within the scope of CDR Aboul-Enein's expertise. The testimony is based on sufficient facts or data and is the product of reliable principles and methods. CDR Aboul-Enein reliably applied the principles and methods to the facts of this case. This testimony is admissible expert testimony under MRE 702. The fact that CDR Aboul-Enein used the word "speculate" when giving an example of al Qaeda's capacity to collect and analyze the released SIGACTs, does not remove this testimony from the scope of CDR Aboul-Enein's expertise. Evidence of al Qaeda interest in acquiring U.S. tactics, techniques, and procedures and evidence of al Qaeda's capacity to collect and analyze the released SIGACTs is evidence of risk to the national security of the United States that is directly related to and resulting from PFC Manning's offenses. It is admissible aggravation evidence under RCM 1001(b)(4). Evidence elicited by the Defense that CDR Aboul-Enein is not aware of any reports to date that al Qaeda has exercised its capacity to acquire and analyze the released SIGACTs goes to the weight of his testimony.

MRE 403 analysis.

The probative value of those portions of the testimony and evidence ruled admissible as aggravation evidence under RCM 1001(b)(4) is not substantially outweighed by the danger of unfair prejudice under MRE 403. The Court has limited the scope of the testimony and evidence

to periods directly related to or resulting from PFC Manning's offenses and context evidence with respect to objection 1.

So **ORDERED** this 14th day of August 2013.

A handwritten signature in black ink, appearing to read 'D. Lind', written in a cursive style.

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211)

Prosecution Notice

Potential Rebuttal Case

15 August 2013

RELIEF SOUGHT

The prosecution in the above case respectfully requests the Court permit the United States to elicit the below-listed information to rebut the matters presented by the defense in their sentencing case. *See* RCM 1001(d).

STANDARD

Government rebuttal evidence must "explain, repel, counteract or disprove the evidence introduced by the opposing party." *United States v. Wirth*, 18 M.J. 214, 218 (CMA 1984).

FACTS

PFC Bradley Manning was found guilty of sixteen specifications as charged and four specifications by exceptions and substitutions and/or lesser-included offenses. *See* Appellate Exhibit (AE) 624. The prosecution rested its sentencing case on 9 August 2013. The defense rested its sentencing case on 14 August 2013.

WITNESSES/EVIDENCE

Witnesses:

SA David Shaver

Evidence:

Email between PFC Manning and Mr. Tyler Watkins, dated 28 November 2009 (from PFC Manning's Personal Mac)

Summary of emails between PFC Manning and Mr. Danny Clark, dated between 23 August 2009 and 20 May 2010 (from PFC Manning's Personal Mac)

Chats between PFC Manning and Mr. Danny Clark, dated 18 March 2010 (from PFC Manning's Personal Mac)

OTR configuration file showing encryption contacts, file created on 25 January 2010 and last written on 24 May 2010 (from PFC Manning's Personal Mac)

POTENTIAL REBUTTAL

The United States will re-call SA Shaver to discuss an email the accused sent to Mr. Tyler Watkins, dated 28 November 2009. The email includes the following text, "Hey Babe, I'm sorry I couldn't get in touch with you on Thanksgiving. I was very busy indeed, but I still had the chance to have dinner among good friends who I'm out to (I didn't even have to come out to them, they just called me out on it.)" The email reveals that PFC Manning is open and friendly with individuals in his unit. This counteracts the testimony of CPT Worsley that PFC Manning was isolated in his unit, that PFC Manning had no support mechanisms within the military, and that the military was not friendly toward the gay community.

The United States will re-call SA Shaver to testify that PFC Manning's computer contained emails between PFC Manning and Mr. Danny Clark, dated between 23 August 2009 and 20 May 2010; remnants of chats between PFC Manning and Mr. Danny Clark, dated 18 March 2010; and a version of the Adium Buddy List from PFC Manning's personal computer, which includes the contacts "djbclark" and "danny@opensysadmin.com," with a file created date of 25 January 2010 and a last written date of 24 May 2010. This testimony counteracts the testimony of Dr. Moulton that PFC Manning had very limited resourcing to where he felt he could turn and that PFC Manning told Dr. Moulton that if he could have only been able to contact Mr. Danny Clark, he may not have done what he did. The email traffic reveals that Dr. Moulton based his conclusions on what PFC Manning told him, and that what PFC Manning told Dr. Moulton was not necessarily true.

CONCLUSION

Since the above-listed evidence goes directly to explain or contradict evidence raised by the defense in their sentencing case, the prosecution should be permitted to raise the evidence in rebuttal.



ANGEL M. OVERGAARD
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on the Defense Counsel, via electronic mail, on 15 August 2013.



ANGEL M. OVERGAARD
CPT, JA
Assistant Trial Counsel

Appellate Exhibit 660
1 CD
ordered sealed for Reason 8
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

Appellate Exhibit 661a
CD/DVD
ordered sealed for Reasons 4,
Reason 5, Reason 6, Reason
7 (government), and
Reason 8
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

Appellate Exhibit 661b
1 CD
ordered sealed for Reason 7
(government)
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

Appellate Exhibit 661c
has been entered into
the record as a CD/DVD
and will be maintained
with the original
Record of Trial

Appellate Exhibit 661d

1 CD

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

Appellate Exhibit 661e

1 CD

classified

"SECRET"

ordered sealed for Reason 2
and Reason 7 (government)
Military Judge's Seal Order
dated 20 August 2013
stored in the classified
supplement to the original
Record of Trial

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

Final Judicial Notice
Accounting

16 August 2013

I. MERITS

The Court took judicial notice of the following adjudicative facts for the merits:

1. Army Regulation (AR) 25-2, paras 1-4, 1-5, 3-3, 4-5, 4-16, 4-17, and Figure B 1. *See* Appellate Exhibit (AE) 288; AE 248.

2. AR 380-5, paras 1-20, 1-21, 1-22 and Chapters 2, 4 (Section 1), 5 (Sections I and V), and paras 6-1, 6-2, 6-3, 7-4, 8-3, and 8-12. *Id.*

3. AR 530-1, paras 1-5, 1-6, 1-7, and 2-1. *Id.*

4. 18 U.S.C. §793(c). *Id.*

5. 18 U.S.C. §1030(a). *Id.*

6. 18 U.S.C. §641. *Id.*

7. Executive Order (EO) 13526. *Id.*

8. Authorization for the Use of Military Force. *Id.*

9. July 2011 Information Paper by HQDA DCS, G-2, Initiatives Group (DIG). *See* AE 288; AE 233, Attachment A.

10. Commander's Handbook Distributed Common Ground System – Army DCGS-A, March 30, 2009. *See* AE 288; AE 233, Attachment B.

11. EO 12958. *See* AE 472.

12. EO 12972. *Id.*

13. EO 13142. *Id.*

14. EO 13292. *Id.*

15. AR 25-1, paras 1-1, 1-7(a) and (b), and 6-1 (d)-(f). *See* AE 582.

APPELLATE EXHIBIT 662
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

16. AR 25-2 definition of "Information System." *Id.*

17. Department of Defense Regulation 5400.11-R, Appendix 1 and the definition of "Personal Information." *Id.*

18. That the 13 October 2010 classification assessment by RADM Donegan exists and that RADM Donegan gave this assessment. This information is admissible as an admission of a party opponent under MRE 801(d)(2)(D), given he was acting in his official capacity as Direct of Operations, CENTCOM, when he made the classification assessment and that the assessment states facts inconsistent with the Stipulation of Expected Testimony of CW5 John Larue at PE 117. *See* AE 582.

19. The audio transcript for PE 15. *Id.* The parties stipulate that Enclosure 2 to AE 574 is an accurate transcript of the audio in PE 15.

20. David Finkel's book "The Good Soldiers" was published prior to the alleged leaks in this case. *See* AE 288.

21. David Finkel's book "The Good Soldiers" exists. AE 356. The Court will take judicial notice the date of publication, and the provided excerpts. AE 356. Comparisons between Mr. Finkel's book and conclusions to be drawn from the comparisons are properly presented to the fact finder by the parties not by the Court. The request to take judicial notice that the book quotes the video verbatim at several key points is denied. AE 356. Linkages, argument, and legal conclusions regarding the contents of Mr. Finkel's book and the audio in the video are properly presented to the fact finder by the parties. *See* AE 288. The entire book was admitted as PE 186.

22. WikiLeaks and various news organizations began publishing purported Department of State diplomatic cables over the weekend of 27-28 November 2010. *See* AE 472.

23. On 19 January 2010, the Department of State listed "al-Qa'ida in the Arabian Peninsula" (AQAP) as a foreign terrorist organization. Since that date, AQAP has been an enemy of the United States. *See* AE 472.

24. Usama bin Laden was a member of Al-Qaeda (AQ) and an enemy of the United States. *See* AE 472.

25. Adam Gadahn is a member of AQ and an enemy of the United States. *See* AE 472.

26. There has been consistent and extensive media coverage of this case. *See* AE 283.

27. WikiLeaks released a video titled "Collateral Murder" on 5 April 2010. *See* AE 582.

28. WikiLeaks released more than 390,000 records from the Combined Information Data Network Exchange (CIDNE) Iraq database on 22 October 2010. *Id.*

29. WikiLeaks released more than 75,000 records from the CIDNE Afghanistan database on 25 July 2010. *Id.*

30. WikiLeaks released more than 700 detainee assessments produced by Joint Task Force Guantanamo (JTF-GTMO) on 25 April 2011. *Id.*

31. WikiLeaks released a memorandum produced by the Army Counterintelligence Center titled "WikiLeaks.org – An Online Reference to Foreign Intelligence Services, Insurgents, or Terrorist Groups?" on 15 March 2010. *Id.*

32. The monthly base salary for Servicemembers at the rank of Specialist, E-4, was \$1,502.70 in 2003, \$1,558.20 in 2004, \$1,612.80 in 2005, \$1,662.90 in 2006, \$1,699.50 in 2007, \$1,758.90 in 2008, \$1,827.60 in 2009, and \$1,889.70 in 2010. *Id.*

33. The yearly base salary for government employees at the grade of 12 on the General Schedule (GS) scale was \$51,508 in 2003; \$52,899 in 2004; \$54,221 in 2005; \$55,360 in 2006; \$56,301 in 2007; \$57,709 in 2008; \$59,383 in 2009, and \$60,274 in 2010. *Id.*

34. Thanksgiving of 2009 occurred on 26 November 2009. *Id.*

35. The term ".is" is the top level internet domain of Iceland. *Id.*

36. Johanna Sigurdardottir was the Prime Minister of Iceland from February 2009-May 2013. *Id.*

37. Ossur Skarphedinsson was the Icelandic Minister for Foreign Affairs from February 2009-May 2013. *Id.*

38. Albert Jonsson was the Icelandic Ambassador to the United States 2006-2009. *Id.*

39. Birgitta Jonsdottir has been a member of the Icelandic parliament since 2009. *Id.*

40. On or about 25 November 2009, WikiLeaks published what it claimed to be text and pager messages sent on 11 September 2001. Judicial notice does not extend to the content of the messages or that the messages are actually from 11 September 2001. *Id.*

41. On 25 July 2007, Reuters made a FOIA request to DoD for video and audio recordings relating to the deaths of Mr. Namir Noor-Eldeen and Mr. Saeed Chmagh, Reuters journalists. CENTCOM responded to the Reuters request on 24 April 2009. *Id.*

42. That LTC Lee Packnett was quoted in a New York Times article, dated 18 March 2010. *See* AE 472.

43. That a New Yorker profile of Julian Assange, titled "No Secrets: Julian Assange's Mission for Total Transparency" exists and was dated 7 June 2010. *Id.*

44. Julian Assange was located in Iceland in February of 2010 and working on the Icelandic Modern Media Initiative. *See* AE 472. In this instance, judicial notice is conditional upon relevance.

II. PRE-SENTENCING

For pre-sentencing proceedings, the Court took judicial notice of the following:

1. That the Advanced Ace, Advanced Analytical, Capability Joint Urgent Operation Need Statement, MG Michael T Flynn, Deputy Chief of Staff Intelligence 2 July 2010 exists. *See* AE 288; AE 233, Attachment C.

2. That the letter regarding global knowledge management dated 19 July 2010 from three members of Congress to the Chairman and ranking members of the House Appropriations Committee exists. *See* AE 288; AE 233, Attachment D.

3. That the letter to the Chairman of the House Appropriations Committee from COL Peter A. Newell, Director, Rapid Equipping Force, dated 28 July 2010, exists. *See* AE 288; AE 233, Attachment E.

4. That the letter to COL Newell from members of Congress Gabrielle Giffords and Adam Smith, dated 25 August 2011, exists. *See* AE 288; AE 233, Attachment F.

5. That the letter from Adam Smith, Congress member, to General Dempsey, dated 23 May 2011, exists. *See* AE 288; AE 233, Attachment G.

6. That a Department of Defense news Release entitled "Statement by Pentagon Press Secretary Geoff Morrell and Special Envoy for Closure of Guantanamo Detention Facility Ambassador Daniel Fried", dated 24 April 2011, exists and that Mr. Morrell made these statements. The statements are admissible under MRE 801(d)(2)(D). *See* AE 356; AE 316; DE XXX.

7. That a White House release entitled "Remarks by the President After Bipartisan Leadership Meeting", dated 27 July 2010, exists and that President Obama made these statements. The statements are admissible under MRE 801(d)(2)(D). *Id.*

8. That a letter to Secretary Robert Gates from Carl Levin, dated 28 July 2010, exists. *See* AE 356; AE 316.

9. That a letter to Carl Levin from Robert Gates, dated 16 August 2010, exists. The statements are admissible under MRE 801(d)(2)(D) and MRE 803(8)(A). *See* AE 356; AE 316; DE XXX.

10. That a news release entitled "DOD News Briefing with Secretary Gates and Adm. Mullen from the Pentagon", dated 30 November 2010, exists and that Secretary Gates made

these statements. Admissible for non-hearsay purpose as public statements made by government officials that provide circumstantial evidence of minimized damage cause by the alleged Wikileaks disclosures. *See* AE 356; AE 316; DE YYY.

11. That Department of State-published remarks entitled "Remarks with Kazakh Foreign Minister Saudabayev after their Meeting", dated 1 December 2010, exist and that Secretary Clinton made these statements. Admissible for non-hearsay purpose as public statements made by government officials that provide circumstantial evidence of minimized damage cause by the alleged Wikileaks disclosures. *Id.*

12. Damage Assessments exist. *See* AE 472.

13. The Office of National Counterintelligence Executive, the Information Review Task Force, and the Department of States created or compiled their respective damage assessments on the noted dates. *Id.*

14. The Department of State damage assessment is the most current version and is a draft. *Id.*

15. That a UPI News Track news story entitled "Clinton on Leaked Documents: So What?", dated 4 December 2010, exists. *See* AE 356; AE 316.

16. That a New York Times news story entitled "From WikiLemons, Clinton Tries to make Lemonade", dated 4 December 2010, exists. *Id.*

17. That a CNN news story entitled "Clinton: WikiLeaks Cables Show Diplomacy at Work", dated 4 December 2011, exists. In this instance, judicial notice is conditional on a relaxation of the rules. *Id.*

18. An article from National Defense Magazine titled, "Pentagon Still Playing Catch-Up With Bomb Makers," dated July 2011 exists and contains the following statements: (1) "Our adversary changes quicker than we do." (2) An insurgent "has no bureaucracy. He can do things quicker than I can do. Whenever I come up with a new jammer, I've got to look three moves ahead. What have I forced him to do now that I have this new jammer?" (3) The services' bomb technicians have several tools to help them with their inherently dangerous work. The radio-frequency jammers to which COL Dick Larry referred prevent insurgents from detonating bombs through the airwaves. Bomb suits provide some protection in the event that an IED explodes. Robots can provide a view of a bomb from a safe distance, and their manipulators can sometimes be used to render them safe without the specialists needing to put on the cumbersome suits. Metal detectors have been around since World War II. Recently, ground penetrating radar, which can see nonmetallic shapes, have been integrated onto the metal detectors. Explosives used to detonate IEDs in a controlled manner are also employed. (4) Afghan IEDs have a low metallic signature, often employing wood as a casing. They are not technologically sophisticated and use materials that are readily available, he said. They are difficult to find using standard mine detectors that seek out ferrous metals. (5) Sensors carried into the field include the metal detectors, ground-penetrating radar and a device designed to find hidden tripwires. *See* AE 651.

19. An article published in the Washington Times titled, "EXCLUSIVE: Taliban makes IEDs deadlier," dated 15 September 2009 exists and contains the following excerpts: (1) The Taliban has been building simpler, cheaper anti-personnel bombs made of hard to-detect nonmetal components, increasing the number of lethal attacks on NATO forces in Afghanistan, according to a confidential military report. (2) The change in production from metal-dominated explosives to devices made of plastic is making it more difficult for ground troops to detect the buried IEDs with portable mine-detectors, creating an "urgent need" inside the Pentagon for better detection devices, the report said. (3) The Pentagon report said the current mine detector, the AN/PSS-12, is not sufficiently sensitive to pick up the scarce metal in anti-personnel IEDs. "There is an urgent need to identify new man-portable detection platforms to expand the ability of U.S. troops to detect anti-personnel IED-mines," the report concludes. (4) One system now readily available commercially consists of electric field sensors, which can pick up electricity from nonmetallic conductors, the report said. *See* AE 651.

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**Government Notification of
Review of MRE 505(g)(2)
Redactions**

19 August 2013

On 6 August 2013, the Court placed on the record its directive for the United States to review the MRE 505(g) filings to ensure that the United States did not use any evidence, in the merits or sentencing cases, which was redacted in any of the filings.

On 18 May 2012, the United States requested that the Court authorize redactions of Defense Intelligence Agency (DIA) records. Appellate Exhibit (AE) 132.

On 18 May 2012, the United States requested that the Court authorize substitutions of Central Intelligence Agency (CIA) records. AE 133.

On 22 June 2012, the United States requested substitutions for the Federal Bureau of Investigation (FBI) Impact statement. AE 156.

On 3 August 2012, the United States requested redactions of CIA records. AE 265.

On 3 August 2012, the United States requested redactions of FBI records. AE 266.

On 3 August 2012 and 17 August 2012, the United States requested that the Court authorize redactions of DIA records. AE 263; AE 268.

On 3 August 2012, the United States requested redactions of Office of the National Counterintelligence Executive records. AE 267.

On 14 September 2012, the United States requested a substitution of CIA information. AE 322.

On 14 September, the United States requested redactions of FBI records. AE 324.

On 14 September 2012, the United States requested redactions of Department of Homeland Security (DHS) records. AE 320.

On 14 September 2012, the United States requested redactions of Department of State records. AE 301.

On 18 October 2012, the United States requested additional redactions on the FBI file. AE 353.

On 26 October 2012, the United States requested to redact or delete classified information from evidence made available to the accused. AE 368.

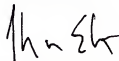
On 31 January 2013, the United States requested to preclude the defense from eliciting information on that could reveal the true identity of a DoD Operator and information that would reveal the training for a specific classified mission, preparation for the mission, or details of the mission's execution not raised on direct. AE 477.

On 31 May 2013, the United States requested the Court authorize the use of an alternative. AE 555.

The Court ordered the United States not to use information or evidence at any stage of the trial that was not disclosed to the Defense. *See* AE 146; AE 284; AE 285; AE 302; AE 355; AE 386. The undersigned trial counsel reviewed the foregoing records and the redactions. Based on this review, the undersigned counsel certify that no portion of the records not disclosed to the defense were used during any portion of the trial.



ASHDEN FEIN
MAJ, JA
Trial Counsel



ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel via electronic mail, on 19 August 2013.



ASHDEN FEIN
MAJ, JA
Trial Counsel

RCM 1001(g)

- Rehabilitation of the accused
- Specific deterrence of the accused
- Social retribution and
- General deterrence

Sentencing Factors

- PFC Manning's Age and Rank
 - Limited experience
 - Post-Adolescent Idealism
 - Pure Intentions
- The Position of Trust
 - Non-disclosure agreements
 - MSG Adkins' MFRs
 - December 2009 and Storage Room

Sentencing Factors

- Impact Based Upon His Offenses
 - Temporary in nature
 - Government statements on long-term impact
 - Risks versus his genuine belief
- His Acceptance of Responsibility
 - Pled guilty without a deal
 - Entered into 58 stipulations
 - Waived OCONUS witnesses

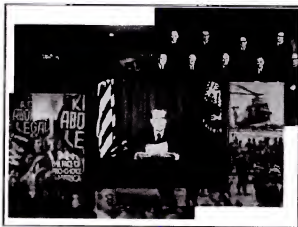
Sentencing Factors

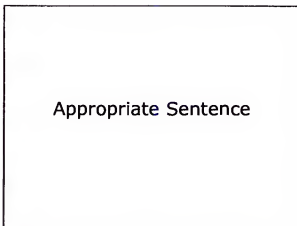
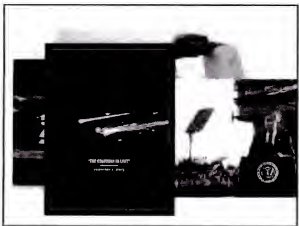
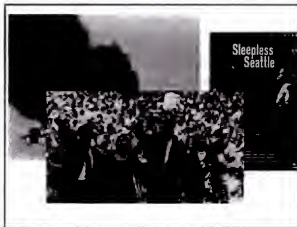
- The Goal of Rehabilitation
 - Substantial step
 - Excellent candidate
- The Interests of Society
 - Not to define him
 - Reality of the situation

Sentencing Factors

- His Emotional Health
 - Dealing with a difficult issue
 - No one to turn to for help
 - Many red flags
- His Humanist Belief
 - Cared about human life
 - Could not ignore what he was seeing

Government's Argument







UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

Authentication Plan

19 August 2013

Assumptions

1. Each attorney will review 400 pages of transcript per day.
2. The defense will have three full time attorneys working on the errata until 1 October 2013, and both parties will complete 1,200 pages of errata per day.
3. Court reporters update transcripts at a rate of one page of errata per hour.
4. Both parties have already begun completing the errata.
5. As of the date of this filing, the transcript is complete up to 12 June 2013.
6. The transcript is currently approximately 6,000 pages long, and the court reporters estimate the total length will be 13,000 pages long.
7. Two of the MDW DA civilian court reporters will leave MDW on 7 September 2013. Replacements have not been identified, although two hiring actions are pending.
8. MDW continues to have contracted court reporting services funded and available.
9. Following adjournment, the prosecution team must perform 100% accountability of all classified information and equipment at Fort Meade and redeploy to Fort McNair.
10. The redeployment of the prosecution team will be conducted in phases which will allow for the trial counsel to transition from the redeployment process to executing the errata process.
11. MAJ Fein, CPT(P) Morrow, CPT von Elten, and CPT Mitroka will remain at MDW to complete the authentication process, and CPT Overgaard and CPT Whyte will be available for any issues that might arise. The current trial counsel will remain responsible for the record of trial.

APPELLATE EXHIBIT 665
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

Authentication Plan

1. Although both parties have started the errata process, the parties will begin the errata process full-time NLT 3 September 2013. Each party will review 1,200 pages of transcript per day.
2. The parties will complete the portions of the transcript relating to the closed and classified sessions, so those may be released to the public and media as soon as possible. After those portions are completed, the parties will start from the arraignment and work forward to ensure they complete the same portions. At the close of each day, the errata will be sent to the MDW court reporters for updating of the transcript. The MDW court reporters will update the transcript based on the parties' errata.
3. Once each 1,200 page portion of the transcript is updated by the MDW court reporters, the prosecution team will print the transcript for the Court's authentication. The OSJA, MDW will provide the Court with adequate workspace at Fort McNair to perform authentication of the transcript.
4. On 9 September 2013, the parties will hold a conference call to determine whether the 1,200 page standard is sufficient, and then provide the Court an update via email.
5. The parties should complete the initial errata process before all the court reporters complete the transcript, and will complete the initial errata process before the MDW court reporters complete updating the transcript based on the errata. After the first wave, the parties will reassess the process and provide any recommendations to the Court.
6. The prosecution anticipates the transcript will be ready for the Court's review no earlier than 17 September 2013. The prosecution will notify the Court if it needs more time to prepare the transcript for authentication. Based on this proposed plan, the Court's receipt of the transcript for authentication should be uninterrupted.



ASHDEN FEIN
MAJ, JA
Trial Counsel

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

OMNIBUS
SEAL ORDER

20 August 2013

1. In accordance with (IAW) RCM 1103A, the exhibits listed in the enclosed index will be sealed in the record of trial for one or more of the following reasons:

a. **Reason 1:** The exhibits are classified above the SECRET level, including TOP SECRET, SENSITIVE COMPARTMENTED INFORMATION and the Department of State special handling requirements.

b. **Reason 2:** The exhibits are classified at the SECRET level.

c. **Reason 3:** The exhibits are classified at the CONFIDENTIAL level.

d. **Reason 4:** The exhibits contain private healthcare related information, including information protected by the Health Insurance Portability and Accountability Act (HIPAA).

e. **Reason 5:** The exhibits contain sealed Grand Jury information and will be sealed in accordance with RCM 1103A. Grand jury proceedings are secret. Provisions authorizing limited disclosure of Grand Jury information are governed by Fed. R. Crim. P. 6(e)(3).

f. **Reason 6:** The exhibits contain Law Enforcement Sensitive information and U.S. Government information that is not publically available.

g. **Reason 7:** The exhibits contain information that was filed *ex parte* or *in camera* with the Court.

h. **Reason 8:** The exhibits contain personally identifiable information of non-participants in the trial.

2. Findings.

a. **Reasons 1-3.** The Government's interest in protecting the national security of the United States and preventing the dissemination of classified information is an overriding interest that will be prejudiced by public access to the classified exhibits. *Snepp v. United States*, 444 U.S. 507, 509 n. 3 (1980). The sealed exhibits have been reviewed by the original classification authority (OCA) and are included in the declaration submitted by the government in accordance with MRE 505(k)(1)(B). The sealing of classified evidence is narrowly tailored to ensure that only properly classified exhibits are sealed. The exhibits will be sealed in the record of trial in accordance with RCM 1103A, RCM 1104(b)(1)(D), and MRE 505(k)(1)(B) (2013). If an OCA

APPELLATE EXHIBIT 666
PAGE REFERENCED: _____
PAGE _____ OF _____ PAGES

determines that any portion of the record is classified and has not been identified for seal by the enclosed index, that portion of the record shall be sealed under this order IAW Reasons 1-3 above.

b. **Reasons 4-8.** The Court has examined each exhibit proposed for seal under reasons 4-8 and has determined for each exhibit that the Government interest in protecting the information in the exhibit from public disclosure is an overriding interest that will be prejudiced if the exhibits are not placed under seal. Sealing of the exhibits is narrowly tailored to ensure that only exhibits meeting the criteria set forth in reasons 4-8 are sealed. These exhibits will be sealed IAW RCM 1103A.

c. There is no alternative to sealing the exhibits identified in the enclosed index that is adequate to protect the Government's overriding interest in protecting the information from public disclosure.

3. Procedures for handling classified materials:

a. Trial counsel will create a classified supplement to the record of trial that accounts for each classified exhibit. The record of trial will consist of an unclassified portion and a classified portion. Trial counsel will clearly identify in the record of trial where classified exhibits and classified pages in the record of trial are maintained by using placeholders for the classified exhibits and pages. The classified supplement will accompany the original unclassified record of trial.

b. The Court Security Officer shall cause a proper security classification to be assigned to the supplement to the record of trial, to each classified exhibit, and to each page of the record of trial in which classified information appears, in accordance with RCM 1103(h). The Court Security Officer will ensure that the sealed exhibits are properly marked, to include an annotation on each that the material was sealed by order of the military judge, prior to insertion into the original record of trial.

c. Exhibits designated as "Documents Off-Site" in AE 500 will be the only information that does not accompany the record of trial to be stored with the Office of the Clerk of Court. (AE 500 - Court's Order: Storage of Appellate Exhibits Not Accompanying the Record of Trial, dated 26 February 2013). "Documents Off-Site" shall be stored in a dedicated two-drawer safe located in the Litigation Division of the Central Intelligence Agency as described in AE 500.

4. For unclassified materials, trial counsel shall ensure that the sealed exhibits are properly marked, including an annotation on each, that the material was sealed by order of the military judge prior to insertion into the original record of trial.

5. Unless authorized by a – c below, sealed exhibits will not be opened or examined. The classified exhibits contain national security information. This classified information shall be handled in a manner consistent with Executive Order 13526. An individual's access to the classified information in these exhibits is subject to the following: having the appropriate security clearance; signing an approved nondisclosure agreement; having a need-to-know the

information; and acknowledging the Judicial Protective Order for Classified Information, dated 6 March 2012.

a. Prior to authentication of the record by the military judge, sealed materials may be examined upon order from the military judge based on good cause.

b. After authentication and prior to disposition of the record of trial pursuant to RCM 1111, sealed materials may be examined upon order issued from the military judge upon a showing of good cause at a post-trial Article 39(a) session directed by the Convening Authority.

c. Reviewing and appellate authorities may examine sealed matters when those authorities determine that such action is reasonably necessary to a proper fulfillment of their responsibilities under the Uniform Code of Military Justice, the Manual for Courts-Martial, governing directives, instructions, regulations, and applicable rules of professional responsibility.

6. No person authorized to examine sealed exhibits shall photocopy, photograph, duplicate, or disclose the contents of the sealed exhibit in the absence of an order by a military judge, the Judge Advocate General or designee, or an appellate court or other court of competent jurisdiction.

ORDERED, this the 20th day of August 2013.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

Enclosure
Index of Exhibits

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	1		Gov Prop Case Calendar, 21 Feb 12	6	Unclassified		
AE	2		Def Prop Case Management Order, 21 Feb 12	2	Unclassified		
AE	3		Def Motion for Pretrial Publicity Order, 20 Feb 12	2	Unclassified		
AE	3	Attachment A	PAQ EXSUM Article 32	5	Unclassified		
AE	3	Enclosure	Prop Pretrial Publicity Order to Court-Martial Members	4	Unclassified		
AE	4		Def Motion for Prot Order, 17 Feb 12	4	Unclassified		
AE	4	Enclosure 1	Prop Prot Order	8	Unclassified		
AE	4	Enclosure 2	Memo of Understanding	1	Unclassified		
AE	4	Enclosure 3	Prop Prot Order to Court Security Officer	2	Unclassified		
AE	5		Gov Motion for Prot Order, 21 Feb 12	4	Unclassified		
AE	5	Enclosure 1	Email Traffic Discovery & Meeting Location and Memo-Subj: Contents of Forensic Cube	4	Unclassified		
AE	5	Enclosure 2	Prot Order from MG Wolff, 28 Jul 10	7	Unclassified		
AE	5	Enclosure 3	Prot Order from COL Coffman, 17 Sep 10	6	Unclassified		
AE	5	Enclosure 4	Ack of Prot Orders from Accused and Def team	6	Unclassified		
AE	5	Enclosure 5	Appointment Memos Security Expert Consultant, Mr. Charles Ganiel, Mr. Cassius Hall	3	Unclassified		
AE	5	Enclosure 6	Preliminary Review of the Accused's Mental Impressions Memos	7	Unclassified		
AE	5	Enclosure 7	Approved Facility and Storage for Class Information Memos	5	Unclassified		
AE	5	Enclosure 8	Req for Courier Cards Memo, 20 Feb 11	2	Unclassified		
AE	5	Enclosure 9	Prop Prot Order	6	Unclassified		
AE	5	Enclosure 10	Prop Ack of Prot Order	3	Unclassified		
AE	6		Def Bill of Particulars	7	Unclassified		
AE	7		Def Motion to Compel Depositions, 16 Feb 12	13	Unclassified		
AE	7	Attachment A	Def Discovery Req, 15 Nov 10	4	Unclassified		
AE	7	Attachment B	Classification Review Memos	91	Unclassified		
AE	7	Attachment C	Def Req for Art 32 Wit, 2 Dec 11	20	Unclassified		

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Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	7	Attachment D	Gov Req Wit List for Art 32 Memo, 2 Dec 11	3	Unclassified		
AE	7	Attachment E	Gov Resp to Def Req for Art 32 Wit, 7 Dec 11	11	Unclassified		
AE	7	Attachment F	Def Wit Justification Memo, 8 Dec 11	7	Unclassified		
AE	7	Attachment G	Email From CPT Fein re Def Req to Compel Production of Wit, 8 Dec 11	3	Unclassified		
AE	7	Attachment H	Email From Mr. Coombs re Def Req to Compel Production of Wit, 8 Dec 11	2	Unclassified		
AE	7	Attachment I	Email From Mr. Coombs re Telephonic 802, 12 Dec 11	3	Unclassified		
AE	7	Attachment J	Email From CPT Fein re Telephonic 802, 12 Dec 11	2	Unclassified		
AE	7	Attachment K	Email From LTC Almanza re Determination and Evidence List, 14 Dec 11	3	Unclassified		
AE	7	Attachment L	IO Determinations as to Def Req Wit, 14 Dec 11	9	Unclassified		
AE	7	Attachment M	Def Motion for Recusal of IO under RCM 902(a), 16 Dec 11	12	Unclassified		
AE	7	Attachment N	Def Req for Oral Depositions Memo, 12 Jan 12	4	Unclassified		
AE	7	Attachment O	Def Req for Oral Depositions Memo, 16 Jan 12	3	Unclassified		
AE	7	Attachment P	COL Coffman Resp to Req for Oral Depositions Memo, 18 Jan 12	3	Unclassified		
AE	7	Attachment Q	Def Req for Oral Depositions Memo, 23 Jan 12	5	Unclassified		
AE	7	Attachment R	MG Linnington Resp to Req for Oral Depositions Memo, 1 Feb 12	3	Unclassified		
AE	7	Attachment S	Def Discovery Req, 20 Jan 12	3	Unclassified		
AE	7	Attachment T	Gov Resp to Def Req for Discovery Memo, 27 Jan 12	4	Unclassified		
AE	7	Attachment U	Emails re Discovery, 27 Jan 12	7	Unclassified		
AE	8		Def Motion to Compel Discovery, 16 Feb 12	13	Unclassified		
AE	8	Attachment A	Def Req to Preserve Evidence, 19 Jan 11	2	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	8	Attachment B	Memo Seizure of Gov Computers and Related Equipment, 30 Sep 10	2	Unclassified		
AE	8	Attachment C	Def Req to Preserve Evidence, 21 Sep 11 w/associated emails	8	Unclassified		
AE	8	Attachment D	Def Discovery Req, 29 Oct 10; 15 Nov 10; 8 Dec 10; 10 Jan 11; 16 Feb 11	15	Unclassified		
AE	8	Attachment E	Gov Resp to Def Req for Discovery Memos, 12 Apr 11 and 12 Apr 11	19	Unclassified		
AE	8	Attachment F	Def Discovery Req, 13 May 11; Def Req to Preserve Evidence dtd 21 Sep 11; Def Discovery Req, 13 Oct 11, 15 Nov 11, 16 Nov 11	11	Unclassified		
AE	8	Attachment G	Art 32 Special Instructions, 16 Nov 11	4	Unclassified		
AE	8	Attachment H	Def Req for Production of Evidence, 22 Nov 11	6	Unclassified		
AE	8	Attachment I	Gov Resp to Def Req for Production of Evidence, 30 Nov 11	5	Unclassified		
AE	8	Attachment J	Def Req to Compel Production of Evidence, 1 Dec 11	7	Unclassified		
AE	8	Appendix A to Attachment J	Def Req to Preserve Evidence, 19 Jan 11	2	Unclassified		
AE	8	Appendix B to Attachment J	Memo Req for DA Initiated Flags Re: 15-6 Investigation, 7 Feb 11	4	Unclassified		
AE	8	Appendix C to Attachment J	Memo Seizure of Gov Computers and Related Equipment, 30 Sep 10	2	Unclassified		
AE	8	Appendix D to Attachment J	"Obama calls in expert Russell Travers to stop new leaks amid WikiLeaks scandal" from AFP, 2 Dec 10	3	Unclassified		
AE	8	Appendix E to Attachment J	Memo re Task Force to Review Unauthorized Disclosure of Class Information, 5 Aug 10	5	Unclassified		
AE	8	Appendix F to Attachment J	"Message from the Director: Recent Media Leaks," 8 Nov 10; "CIA launches task force to assess impact of U.S. cables' exposure by WikiLeaks," 22 Dec 10	4	Unclassified		

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Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	8	Appendix G to Attachment J	"U.S. officials privately say Wikileaks damage limited," 18 Jan 11	3	Unclassified		
AE	8	Attachment K	Memo Determinations as to Def Req Evidence, 15 Dec 11	4	Unclassified		
AE	8	Attachment L	Def Discovery Req, 20 Jan 12	3	Unclassified		
AE	8	Attachment M	Gov Resp to Def Req for Discovery, 27 Jan 12 Memos	46	Unclassified		
AE	8	Attachment N	Gov Resp to Def Req for Discovery, 31 Jan 12 Memo	8	Unclassified		
AE	9		Def Ex Parte Submission for Motion to Compel Discovery	0	Unclassified	Reason 7 (defense)	stored in the original ROT
AE	10		Seal Order- Ex Parte Filing, 23 Feb 12	1	Unclassified		
AE	11		Pretrial Publicity Order (24 Feb 12) to Court-Martial Members w/Ack Memos and Accompanying Emails	9	Unclassified		
AE	12		Gov Supp to Gov Prop Case Calendar, 8 Mar 12	8	Unclassified		
AE	12	Enclosure 1	Sample Req for Consent to Disclose Class Information to the Accused and Def	8	Unclassified		
AE	12	Enclosure 2	SECDEF Memo Task Force to Review Unauthorized Disclosure of class Information, 5 Aug 10	2	Unclassified		
AE	12	Enclosure 3	Sample Search and Preservation Req, 14 Jun 11	3	Unclassified		
AE	13		Gov Resp to Def Motion for Appropriate Relief under MRE 505, 8 Mar 12	6	Unclassified		
AE	14		Gov Resp to Def Motion for Bill of Particulars, 8 Mar 12	4	Unclassified		
AE	14	Enclosure 1	Enc 1	4	Unclassified		
AE	14	Enclosure 1 Supplement	Enc 1 Supp	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	14	Enclosure 2	Definitions of Common Terms	5	Unclassified		
AE	14	Enclosure 3	Enc 3	5	Unclassified		
AE	14	Enclosure 3 (Supplement)	class Supp to Enc 3	9	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	15		Gov Resp to Def Motion to Compel Depositions, 8 Mar 12	18	Unclassified		
AE	15	Enclosure 1	Art 32 IO Report	53	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	15	Enclosure 2	Gov Req Wit List for Art 32 Memo, 2 Dec 11	3	Unclassified		
AE	15	Enclosure 3	Def Req for Art 32 Wit, 2 Dec 11	20	Unclassified		
AE	15	Enclosure 4	Req Evidence List for Art 32 Investigation, 2 Dec 11	5	Unclassified		
AE	15	Enclosure 5	Additional Req Evidence List for Art 32 Investigation, 7 Dec 11	4	Unclassified		
AE	15	Enclosure 6	Memo PFC Manning (WikiLeaks) Classification Review Req, 22 Feb 11	4	Unclassified		
AE	15	Enclosure 7	Declaration Robert E. Betz, 28 Jul 11	5	Unclassified		
AE	15	Enclosure 8	Declaration Vice Admiral Robert S. Harward, 21 Oct 11 w/OCA documents	25	Unclassified		
AE	15	Enclosure 9	Declaration Patrick F. Kennedy, 30 Oct 11	52	Unclassified		
AE	15	Enclosure 10	Declaration Rear Admiral David Woods, 4 Nov 11	5	Unclassified		
AE	15	Enclosure 11	Enc 11	41	Secret	Reason 2; Reason 3	stored in the classified supplement to the original ROT
AE	15	Enclosure 12	Gov Resp to Def Req for Art 32 Wit, 7 Dec 11	11	Unclassified		
AE	15	Enclosure 13	Wit Justification Memo, 8 Dec 11	7	Unclassified		
AE	15	Enclosure 14	Email From CPT Fein re Def Req to Compel Production of Wit, 8 Dec 11	3	Unclassified		
AE	15	Enclosure 15	Email from Mr. Coombs re Telephonic 802, 11 Dec 11	3	Unclassified		
AE	15	Enclosure 16	Email from Mr. Coombs re Telephonic 802, 12 Dec 11	3	Unclassified		
AE	15	Enclosure 17	Email From CPT Fein re Telephonic 802, 12 Dec 11	2	Unclassified		
AE	15	Enclosure 18	Email from LTC Almanza re Wit List, 12 Dec 11	2	Unclassified		
AE	15	Enclosure 19	LTC Almanza Art 32 Wit List Memo, 12 Dec 11	3	Unclassified		
AE	15	Enclosure 20	Email from LTC Almanza re Telephonic 802, 12 Dec 11	2	Unclassified		
AE	15	Enclosure 21	Email From Mr. Coombs re Telephonic 802, 12 Dec 11	2	Unclassified		
AE	15	Enclosure 22	Email From CPT Fein re Telephonic 802, 12 Dec 11	2	Unclassified		
AE	15	Enclosure 23	Email from LTC Almanza re Telephonic 802, 13 Dec 11	2	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	15	Enclosure 24	Email from LTC Almanza re Closure Determination, 13 Dec 11	2	Unclassified		
AE	15	Enclosure 25	LTC Almanza Art 32 Wit List Memo, 13 Dec 11	3	Unclassified		
AE	15	Enclosure 26	Email from CPT Fein re Telephonic 802, 14 Dec 11	2	Unclassified		
AE	15	Enclosure 27	Email From Mr. Coombs re Telephonic 802, 14 Dec 11	2	Unclassified		
AE	15	Enclosure 28	Email from CPT Fein re Telephonic 802, 14 Dec 11	2	Unclassified		
AE	15	Enclosure 29	Email From LTC Almanza re Determination and Evidence List, 14 Dec 11	3	Unclassified		
AE	15	Enclosure 30	LTC Almanza Memo Determinations Regarding Def Objections to Gov Evidence, 14 Dec 11	8	Unclassified		
AE	15	Enclosure 31	LTC Almanza Memo Evidence List, 14 Dec 11	6	Unclassified		
AE	15	Enclosure 32	Art 32 Transcript Extracts	8	Unclassified		
AE	15	Enclosure 33	Email From LTC Almanza re Def Req Wit Determinations, List of Personal/Telephone/Other Wit, 14 Dec 11	2	Unclassified		
AE	15	Enclosure 34	LTC Almanza Memo Determinations as to Def Req Wit, 14 Dec 11	9	Unclassified		
AE	15	Enclosure 35	Email from LTC Almanza re Revised Def Req Wit Determinations and List of Personal/Telephone/Other Wit, 15 Dec 11	2	Unclassified		
AE	15	Enclosure 36	LTC Almanza Memo Determinations as to Def Req Wit, 15 Dec 11	9	Unclassified		
AE	15	Enclosure 37	LTC Almanza Memo Determinations as to Def Req Wit-Revised, 16 Dec 11	9	Unclassified		
AE	15	Enclosure 38	LTC Almanza Memo Determinations as to Def Req Wit-Revised, 17 Dec 11	9	Unclassified		

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AE	15	Enclosure 39	LTC Almanza Memo Determinations as to Def Req Evidence, 15 Dec 11	4	Unclassified		
AE	15	Enclosure 40	Email from CPT Fein re Multiple Items, 29 Feb 12	3	Unclassified		
AE	15	Supplement	Supp to Gov Resp to Def Motion to Compel Depositions	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	16		Gov Resp to Def Motion to Compel Disc, 8 Mar 12	15	Unclassified		
AE	16	Enclosure 1	Req for Prudential Search and Preservation of Information Memo, 28 Apr 11	2	Unclassified		
AE	16	Enclosure 2	Memo Discovery of Electronic and Hard Copy Files ICO PFC Manning, 20 Dec 11	2	Unclassified		
AE	16	Enclosure 3	Statement of MSgt Papakie, 2 Mar 11	2	Unclassified		
AE	16	Enclosure 4	Def Discovery Req, 16 Nov 11	2	Unclassified		
AE	16	Enclosure 5	Def Req to Compel Production of Evidence, 1 Dec 11	7	Unclassified		
AE	16	Enclosure 6	Gov Resp to Def Req for Discovery, 31 Jan 12 Memo	8	Unclassified		
AE	16	Enclosure 7	DA 200 for Unclas DVD, 3 Oct 11	2	Unclassified		
AE	16	Enclosure 8	DA 200 for 3 DVDs and 1 CD, 6 Dec 11	2	Unclassified		
AE	16	Enclosure 9	Def Req to Preserve Evidence, 21 Sep 11	2	Unclassified		
AE	16	Enclosure 10	Req to Locate and Preserve Evidence, 4 Oct 11 w/Enc	16	Unclassified		
AE	16	Enclosure 11	FBI Preservation Req, 4 Oct 11 w/Enc	16	Unclassified		
AE	16	Enclosure 12	Memo to 3rd Army Req to Locate and Preserve Evidence, 6 Oct 11 w/Enc	16	Unclassified		
AE	16	Enclosure 13	Memo to Director CCIU Req to Preserve Evidence, 4 Oct 11 w/Enc	16	Unclassified		
AE	16	Enclosure 14	Sworn Statement MAJ Joseph Latendresse, 6 Mar 12	4	Unclassified		
AE	16	Enclosure 15	Email From CPT Fein re Hard Drives, 28 Feb 12	3	Unclassified		
AE	16	Enclosure 16	AIR of 5A Wilbur, 12 Sep 10	6	Unclassified	Reason 6	stored in the original ROT

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Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	16	Enclosure 17	Memo Resp to Req to Locate and Preserve Evidence, 20 Oct 11	2	Unclassified		
AE	16	Enclosure 18	Evidence/Custody Document for SATA Hard Drive, 31 May 10	3	Unclassified		
AE	16	Enclosure 19	Evidence/Custody Document for Hard Disk Drive, 4 Jun 10	5	Unclassified	Reason 6	stored in the original ROT
AE	16	Enclosure 20	DA 200 for 2 CDs, 8 Nov 11	2	Unclassified		
AE	16	Enclosure 21	Evidence/Property Custody Document Samsung HDD, 10 Sep 10	3	Unclassified		
AE	16	Enclosure 22	AIR of SA Shaver, 17 Sep 10	2	Unclassified	Reason 6	stored in the original ROT
AE	16	Enclosure 23	Accused's ERB, 20 Jan 12	2	Unclassified		
AE	16	Enclosure 24	Memo Seizure of Gov Computers and Related Equipment, 30 Sep 10	2	Unclassified		
AE	16	Enclosure 25	AIR of SA Ellis, 1 Oct 10	5	Unclassified	Reason 6	stored in the original ROT
AE	16	Enclosure 26	AIR of SAC Shaver, 4 Oct 10	3	Unclassified	Reason 6	stored in the original ROT
AE	16	Enclosure 27	Evidence/Property Custody Document Class Hard Drives, 1 Oct 10	3	Unclassified		
AE	16	Enclosure 28	DA 200 for 2 CDs, 27 Jan 12	2	Unclassified		
AE	16	Enclosure 29	Def Discovery Req, 13 Oct 11	5	Unclassified		
AE	16	Enclosure 30	Def Discovery Req, 8 Dec 10	4	Unclassified		
AE	16	Enclosure 31	Def Discovery Req, 13 May 11	3	Unclassified		
AE	16	Enclosure 32	List of Contents of Forensic Cube Provided to the Def on 8 Nov 11	4	Unclassified		
AE	17		Gov Resp to Def Req to File Ex Parte Supp, 8 Mar 12	4	Unclassified		
AE	17	Enclosure 1	Email From Mr. Coombs re Def Motions, 14 Feb 12	3	Unclassified		
AE	17	Enclosure 2	Email from CPT Fein re Email Issues, 24 Feb 12	2	Unclassified		
AE	17	Enclosure 3	Email From Mr. Coombs re Gov/Def Motions and Arraignment, 15 Feb 12	4	Unclassified		
AE	18		Supp to Gov Motion for Prot Order, 8 Mar 12	6	Unclassified		
AE	18	Enclosure 1	Evidence Classification Examples	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	18	Enclosure 1a	Evidence Classification Example, 1a	3	Unclassified		
AE	18	Enclosure 1b	Evidence Classification Example, 1b	1	Unclassified		
AE	18	Enclosure 1c	Evidence Classification Example, 1c	4	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	18	Enclosure 1d	Evidence Classification Example, 1d	24	Unclassified		
AE	18	Enclosure 1e	Evidence Classification Example, 1e	51	Unclassified		
AE	18	Enclosure 1f	Evidence Classification Example, 1f (3 Documents)	28	Secret	Reason 2; Reason 3	stored in the classified supplement to the original ROT
AE	18	Enclosure 1g	Evidence Classification Example, 1g	4	Unclassified		
AE	18	Enclosure 1h	Evidence Classification Example, 1h	12	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	18	Enclosure 1i	Evidence Classification Example, 1i	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	18	Enclosure 1j	Evidence Classification Example, 1j	10	Unclassified		
AE	18	Enclosure 2	Req for Limited Def Access to SIPRNET w/Concurrence Markings, 1 Mar 12	1	Unclassified		
AE	18	Enclosure 3	Prot Order w/Enc	11	Unclassified		
AE	18	Enclosure 4	Supp to the Prot Order Governing Class Information	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	18	Enclosure 5	Script for Initial Closure Hearing	6	Unclassified		
AE	18	Enclosure 6	Close Courtroom Battle Drill	5	Unclassified		
AE	18	Enclosure 7	Bailiff Script for Closed Session	1	Unclassified		
AE	19		Email from Court Security Officer to Military Judge, 24 Feb 12	4	Unclassified		
AE	20		Gov Prop Case Calendar Update, 29 Feb 12	8	Unclassified		
AE	21		Def Prop Case Management Order, 29 Feb 12	4	Unclassified		
AE	22		Supp to the Def Motion for Appropriate Relief Under MRE 505, 29 Feb 12	5	Unclassified		
AE	22	Attachment A	Email from Mr. Coombs to CPT Fein, 27 Feb 12	10	Unclassified		
AE	22	Attachment B	Prop Prot Order	8	Unclassified		
AE	22	Enclosure	Prop Prot Order to Court Security Officer	2	Unclassified		
AE	23		Def Repl to Gov Motion for Prot Order, 13 Mar 12	12	Unclassified		
AE	23	Attachment A	Email from CPT Fein re Prot Order, 26 Feb 12	2	Unclassified		
AE	23	Attachment B	Prot Order, US v. Diaz	13	Unclassified		
AE	23	Attachment C	Memo From Mr. Coombs Preliminary Classification Review of the Accused's Mental Impressions, 18 Sep 10	4	Unclassified		
AE	24		Def Repl to Gov Resp to Bill of Particulars, 13 Mar 12	3	Unclassified		

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AE 25		Def Repl to Gov Resp to Def Motion to Compel Depositions, 13 Mar 12	6	Unclassified		
AE 25	Attachment A	Email From Mr. Coombs re Def Timeline, 28 Feb 12	2	Unclassified		
AE 25	Attachment B	Email From CPT Fein re 4 of 4, 1 Feb 12	2	Unclassified		
AE 25	Attachment C	Email Traffic re "Multiple Things"	23	Unclassified		
AE 25	Attachment D	"President Signs H.R. 553, The Reducing Over-Classification Act," PL 11-258, Reducing Over-Classification Act	10	Unclassified		
AE 25	Attachment E	Email From LTC Almanza re Determinations and Evidence List, 14 Dec 11	3	Unclassified		
AE 26		Def Repl to Gov Resp to Def Motion to Compel Discovery, 13 Mar 12	12	Unclassified		
AE 27		Sworn Statement of MSgt Papakie, 17 Feb 12	2	Unclassified		
AE 28		Redacted Charge Sheet	8	Unclassified		
AE 29		Ruling: Def Motion for Bill of Particulars, 15 Mar 12	4	Unclassified		
AE 30		Ruling: Def Req to File Ex Parte Supp, 15 Mar 12	3	Unclassified		
AE 31		Def Motion to Dismiss All Charges with Prejudice, 15 Mar 12	10	Unclassified		
AE 32		Prot Order for Class Information	8	Unclassified		
AE 32	Enclosure 1	Memo of Understanding	1	Unclassified		
AE 33		Ruling: Def Motion to Compel Depositions, 16 Mar 12	6	Unclassified		
AE 34		Order to Court Security Officer and Detailed Security Experts, 22 Mar 12	4	Unclassified		
AE 35		Ruling: Amicus Curiae Filings w/email, 23 Mar 12	2	Unclassified		
AE 36		Ruling: Def Motion to Compel Discovery, 23 Mar 12	12	Unclassified		
AE 37		Gov Req for Leave to Respond to Portions of the Court Order until 2 May 12, 13 Apr 12	1	Unclassified		
AE 38		Ruling: Leave to Respond Until 2 May 12 w/email, 16 Apr 12	4	Unclassified		

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AE	39		Interim Order: Gov Req for Leave to File Prot Order(s), 28 Mar 12	3	Unclassified		
AE	39	Enclosure 1	Email from Mr. Coombs, 23 Mar 12	4	Unclassified		
AE	39	Enclosure 2	Draft Order	2	Unclassified		
AE	39	Enclosure 3	Emails, 1 of 3	44	Unclassified		
AE	39	Enclosure 4	Emails, 2 of 3	57	Unclassified	Reason 6	stored in the original ROT
AE	39	Enclosure 5	Emails, 3 of 3	32	Unclassified	Reason 6	stored in the original ROT
			Def Req for Leave to File the 18 U.S.C. Section 793(e) on 10 May 12, 28 Mar 12	2	Unclassified		
AE	40						
			Ruling: Def Req For Leave to File 18 U.S.C. Section 793(e) on 10 May 12, 29 Mar 12	1	Unclassified		
AE	41						
			Gov Resp to Def Motion to Dismiss All Charges with Prejudice, 12 Apr 12	7	Unclassified		
AE	42	Enclosure 1	AE 36	1	Unclassified		Entered as Appellate Exhibit 36
AE	42	Enclosure 2	AE 26	1	Unclassified		Entered as Appellate Exhibit 26
AE	42	Enclosure 3	AE 31	1	Unclassified		Entered as Appellate Exhibit 31
AE	42	Enclosure 4	AE 12, Enc 3	1	Unclassified		Entered as Appellate Exhibit 12, Enclosure 3
AE	42	Enclosure 5	DA 200 for 2 DVDs, 14 Mar 12	2	Unclassified		
AE	42	Enclosure 6	AE 12	1	Unclassified		Entered as Appellate Exhibit 12
AE	42	Enclosure 7	AE 1	1	Unclassified		Entered as Appellate Exhibit 1
			Def Repl to Gov Resp to Def Motion to Dismiss All Charges, 17 Apr 12	17	Unclassified		
AE	43	Enclosure 1	AE 8	1	Unclassified		Entered as Appellate Exhibit 8
AE	43	Enclosure 2	AE 16	1	Unclassified		Entered as Appellate Exhibit 16
AE	43	Enclosure 3	AE 26	1	Unclassified		Entered as Appellate Exhibit 26
AE	43	Enclosure 4	AE 31	1	Unclassified		Entered as Appellate Exhibit 31
AE	43	Enclosure 5	AE 42	1	Unclassified		Entered as Appellate Exhibit 42
AE	43	Enclosure 6	Email from CPT Fein, 22 Mar 12	1	Unclassified		
AE	43	Enclosure 7	Email from CPT Fein, 16 Apr 12	1	Unclassified		
AE	43	Enclosure 8	Oral Argument, 15 Mar 12	1	Unclassified		
AE	43	Enclosure 9	AE 12	1	Unclassified		Entered as Appellate Exhibit 12
AE	43	Enclosure 10	MFR - Security Expert Review of Def Motions, 17 Apr 12	1	Unclassified		
			Def Prop Case Management Order w/email, 6 Apr 12	8	Unclassified		
AE	44						
AE	45		Gov Prop Case Calendar Update, 12 Apr 12	8	Unclassified		
AE	46		Supp to Gov Prop Case Calendar Update for 12 Apr 12, 20 Apr 12	2	Unclassified		
AE	47		Draft Case Calendar Update, 16 Apr 12	8	Unclassified		

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AE	48		Def Req for Partial Reconsideration of Discovery Ruling, 12 Apr 12	3	Unclassified		
AE	48	Enclosure 1	MFR Security Expert Review of Def Motions, 11 Apr 12	1	Unclassified		
AE	48	Enclosure 2	Email From Mr. Coombs re Def Motions, 12 Apr 12	2	Unclassified		
AE	49		Gov Resp to Def Req for Partial Reconsideration of Discovery Ruling, 17 Apr 12	6	Unclassified		
AE	49	Enclosure 1	AE 36	12	Unclassified		
AE	49	Enclosure 2	Def Discovery Req, 13 May 11; Def Req to Preserve Evidence, 21 Sep 11; Def Discovery Req, 13 Oct 11, 15 Nov 11, 16 Nov 11	10	Unclassified		
AE	49	Enclosure 3	Section V of Gov Supp to Gov Prop Case Calendar, 8 Mar 12	1	Unclassified		
AE	49	Enclosure 4	SECDEF Memo Task Force to Review Unauthorized Disclosure of Class Information, 5 Aug 10	3	Unclassified		
AE	S0		Def Repl to Gov Resp to Def Req for Partial Reconsideration of Discovery Ruling, 18 Apr 12	11	Unclassified		
AE	S0	Enclosure 1	MFR Security Expert Review of Def Motions, 18 Apr 12	1	Unclassified		
AE	S1		Def Renewal of Motion for Particulars w/email, 6 Apr 12	4	Unclassified		
AE	S2		Gov Repl to Def Renewal of Motion for Particulars w/email, 17 Apr 12	3	Unclassified		
AE	S3		Def Renewal of Motion to Compel Discovery of Computers, 30 Mar 12	6	Unclassified		
AE	S3	Enclosure 1	MFR Security Expert Review of Def Motions (w/ and w/o "unclass" stamp), 30 Mar 12	2	Unclassified		
AE	S3	Enclosure 2	Email From Mr. Coombs re Search of TSCIF and TOC Computers, 30 Mar 12	1	Unclassified		
AE	S4		Def Forensic Req of Relevant Computers, 26 Mar 12	2	Unclassified		

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Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	54	Enclosure 1	MFR Security Expert Review of Def Motions(w/ and w/o "undcas" stamp), 30 Mar 12	2	Unclassified		
AE	54	Enclosure 2	Email From Mr. Coombs re Search of TSCIF and TOC Computers, 30 Mar 12	1	Unclassified		
AE	54	Enclosure 3	VDD for BAL DCGS-A V3.1 P3, 1 Oct 09	14	Unclassified		
AE	55		Def Req for Search Terms of Relevant Computers, 30 Mar 12	2	Unclassified		
AE	56		Gov Notification to the Court (CCIU review of hard drives), dated 20 Apr 12	2	Unclassified		
AE	56	Attachments	Investigative work products	252	Unclassified	Reason 6	stored in the original ROT
AE	57		Def Motion to Dismiss for UMC, 29 Mar 12	14	Unclassified		
AE	57	Attachment C	SD Card Forensic Report	0	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	57	Attachment D	Forensic Report for .22 Computer	0	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	57	Attachment E	Personal Mac Forensic Report	0	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	57	Enclosure 1	Two MFRs - Security Expert Review of Def Motions, 27 Mar 12	2	Unclassified		
AE	58		Gov Resp to Def Motion to Dismiss for UMC, 12 Apr 12	10	Unclassified		
AE	58	Enclosure 1	AE 15, Enc 1	1	Unclassified		
AE	58	Enclosure 2	Charge Sheet, AE 28	1	Unclassified		Entered as Appellate Exhibit 28
AE	58	Enclosure 3	SD Card Forensic Report	13	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	59		Def Motion to Dismiss Spec 1 of Ch II for Failure to State an Offense, 29 Mar 12	10	Unclassified		
AE	59	Enclosure 1	MFR - Security Expert Review of Def Motions, 27 Mar 12, 28 Mar 12, and Email	3	Unclassified		
AE	60		Gov Resp to Def Motion to Dismiss Spec 1 of Charge II, 12 Apr 12	7	Unclassified		
AE	60	Enclosure 1	Charge Sheet, AE 28	1	Unclassified		Entered as Appellate Exhibit 28
AE	60	Enclosure 2	AE 14	1	Unclassified		
AE	60	Enclosure 3	Extract from AR 380-S, 29 Sep 00	3	Unclassified		
AE	61		MFR from Accused Dismissing MAJ Kemkes and CPT Bouchard and Req CPT Tooman, 13 Apr 12	1	Unclassified		
AE	62		Def Motion to Dismiss The Spec of Ch I for Failure to State an Offense, 29 Mar 12	12	Unclassified		
AE	62	Attachment A	Alleged Adrian Lamo-PFC Bradley Manning Chat Log	1	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	62	Attachment B	MFR - Security Expert Review of Def Motions, 27 Mar 12	2	Unclassified		
AE	63		Gov Resp to Def Motion to Dismiss The Spec of Ch I for Failure to State an Offense, 12 Apr 12	9	Unclassified		
AE	64		Gov Motion to Preclude Actual Harm from Pretrial Motions or Merits, 29 Mar 12	10	Unclassified		
AE	64	Enclosure 1	Charge Sheet, AE 28	1	Unclassified		
AE	64	Enclosure 2	AE 36	1	Unclassified		
AE	64	Enclosure 3	AE 8	1	Unclassified		
AE	64	Enclosure 4	Para 10-S of AR 380-S (attached to motion)	4	Unclassified		
AE	65		Def Resp to Gov Motion to Preclude Actual Harm/Damage, 12 Apr 12	10	Unclassified		
AE	65	Enclosure 1	MFR - Security Expert Review of Def Motions, 11 Apr 12	1	Unclassified		
AE	66		Third Party Filing by Center For Constitutional Rights	6	Unclassified		
AE	67		Order: Gov Motion for Prot Order, 24 Apr 12	2	Unclassified		
AE	68		Ruling: Def Motion to Dismiss All Charges With Prejudice, 25 Apr 12	3	Unclassified		
AE	69		Ruling: Def Motion to Compel Grand Jury Testimony, 25 Apr 12	3	Unclassified		
AE	70		Scheduling Order, 25 Apr 12	6	Unclassified		
AE	71		Gov Motion for Reconsider Court Ruling on Dep't of State Damage Assessment, 26 Apr 12	3	Unclassified		
AE	71	Enclosure 1	Cover Letter, 25 Apr 12	2	Confidential	Reason 3	stored in the classified supplement to the original ROT
AE	71	Enclosure 2	Ex Parte Encl to Cover Letter	48	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	72		Gov Brief - Investigations and Damage Assessments, 26 Apr 12	3	Unclassified		
AE	73		Class Information Seal Order (Encl 1 to AE 71), 26 Apr 12	1	Unclassified		
AE	74		Class Information Seal Order (Encl 2 to AE 71), 26 Apr 12	1	Unclassified		
AE	75		Def Submission of Case Cites, 23 Apr 12	3	Unclassified		
AE	76		Class Information Seal Order (Att E to AE 57), 26 Apr 12	1	Unclassified		

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AE	77		Class Information Seal Order (Att C/D of AE 57), 26 Apr 12	1	Unclassified		
AE	78		Ruling: Def Motion to Dismiss - UMC, 25 Apr 12	7	Unclassified		
AE	79		Def Submission of Key Provisions of AR 380-S	2	Unclassified		
AE	80		Ruling: Def Motion to Dismiss Spec 1 of Ch II - Failure to State Offense, 25 Apr 12	5	Unclassified		
AE	81		Ruling: Def Motion to Dismiss The Spec of Ch I - Failure to State Offense, 26 Apr 12	5	Unclassified		
AE	82		Gov Section III Disclosure, 23 Apr 12	1	Unclassified		
AE	82	Enclosure 1	Table of Bates Numbers and Dates Disclosed	4	Unclassified		
AE	83		Email from Mr. Coombs to Military Judge Subj: RE: 380-S, 25 Apr 12	7	Unclassified		
AE	84		Email from MAJ Fein to Military Judge Subj: 380-S, 25 Apr 12	2	Unclassified		
AE	85		Accused's Req for IMC (MAJ Hurley), 4 May 12	9	Unclassified		
AE	86		Ruling: Gov Motion to Reconsider Ruling on DoS Damage Assessment, 11 May 12	2	Unclassified		
AE	87		Gov Notification to the Court of Review of CIA Investigation Files, 2 May 12	1	Unclassified		
AE	88		Def Motion to Dismiss Specs 2, 3, 5, 7, 9, 10, 11, 15 of Ch II, 10 May 12	8	Unclassified		
AE	89		Gov Resp to Def Motion to Dismiss as stated in AE 88, 24 May 12	7	Unclassified		
AE	90		Def Motion to Dismiss Specs 13/14 of Ch II for Failure to State an Offense, 10 May 12	27	Unclassified		
AE	91		Gov Resp to Def Motion to Dismiss Specs 13/14 of Ch II for FTSO, 24 May 12	10	Unclassified		
AE	91	Enclosure 1	Art 32 testimony of SA David Shaver	12	Unclassified		
AE	91	Enclosure 2	Accused's SIPRNET Warning Banner Continuation Sheet, DD Form 457, Pages 29-32	2	Unclassified		
AE	91	Enclosure 3		5	Unclassified		

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AE	91	Enclosure 4	Washington Post, 31 Dec 12, "Cables leak reveals flaws of information sharing tool"	5	Unclassified		
AE	91	Enclosure 5	AlR of SA Mander, 5 Jan 11	3	Unclassified	Reason 6	stored in the original ROT
AE	91	Enclosure 6	Excerpt of AR 25-2, 24 Oct 07	5	Unclassified		
AE	91	Enclosure 7	Accused's NDAs	5	Unclassified		
AE	92		Def Repl to Gov Resp to Def Motion stated in AE 90, 29 May 12	17	Unclassified		
AE	93		Def Motion to Compel ID of Brady Materials, 10 May 12	5	Unclassified		
AE	94		Gov Resp to Def Motion to Compel ID of Brady Materials, 24 May 12	6	Unclassified		
AE	94	Enclosure 1	Email From Mr. Coombs to MAJ Fein, 19 Apr 12	3	Unclassified		
AE	94	Enclosure 2	Email from MAJ Fein to Mr. Coombs, 23 Apr 12	3	Unclassified		
AE	94	Enclosure 3	Email from MAJ Fein to Mr. Coombs, 1 Sep 11	2	Unclassified		
AE	94	Enclosure 4	Email from MAJ Fein to Mr. Coombs, 13 Jan 13	2	Unclassified		
AE	94	Enclosure 5	Email from MAJ Fein to Mr. Coombs, 12 Apr 12	2	Unclassified		
AE	95		Def Repl to Gov Resp to Def Motion to Compel ID of Brady Material, 29 May 12	4	Unclassified		
AE	96		Def Motion to Compel Discovery #2, 10 May 12	17	Unclassified		
AE	96	Attachment A	Preservation Order from LTG Troy and Staffing Form	4	Unclassified		
AE	96	Attachment B	Email chain between parties in reference to discovery	4	Unclassified		
AE	97		Gov Resp to Def Motion to Compel Discovery #2, 24 May 12	18	Unclassified		
AE	97	Enclosure	Pros Disclosure to the Court, 18 May 12	7	Unclassified		
AE	98		Def Repl to Gov Resp to Def Motion to Compel Discovery #2, 29 May 12	9	Unclassified		
AE	98	Attachment	Four Redacted Emails	11	Unclassified		
AE	99		Supp to Def Motion to Compel Discovery #2, 30 May 12	5	Unclassified		
AE	100		Gov Resp to Supp to Def Motion stated in AE 99, 31 May 12	7	Unclassified		
AE	101		Def Repl to Gov Resp to Def Supp to Compel Discovery #2, 2 Jun 12	15	Unclassified		

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AE	101	Attachment A	Emails between parties about computer hard drives	8	Unclassified		
AE	101	Attachment B	Email chain from Mr. Coombs to Military Judge about DoS information	8	Unclassified		
AE	101	Attachment C	Email w/ Att about Touhy Req	5	Unclassified		
AE	101	Attachment D	Email From MAJ Fein to Military Judge, Subj: Gov Clarification Req DoS, 28 Mar 12	2	Unclassified		
AE	101	Attachment E	Email chain about Touhy issues	7	Unclassified		
AE	101	Attachment F	Email from Military Judge - Gov Leave for time; Art 39(a); and Trial Calendar, 17 Apr 13	3	Unclassified		
AE	101	Attachment G	Email chain and Memo re Def Security Expert Appointment	4	Unclassified		
AE	102		Gov Motion for Prop LIOs, 10 May 12	4	Unclassified		
AE	103		Def Motion for Instruction on LIO, 10 May 12	11	Unclassified		
AE	104		Gov Resp to Def Motion for LIO Instructions, 24 May 12	8	Unclassified		
AE	105		Def Repl to Gov Resp to Def Motion for LIO Instruction, 29 May 12	10	Unclassified		
AE	106		Def Motion to Require Non-Ex Parte Filing by Gov, 22 May 12	4	Unclassified		
AE	106	Attachment	Email from MAJ Hurley to Military Judge on Ex Parte Req by Gov, 22 May 12	2	Unclassified		
AE	107		Gov Req for Leave to File, 23 May 12	2	Unclassified		
AE	107	Enclosure	Email from MAJ Hurley to Military Judge on Ex Parte Req by Gov, 22 May 12	4	Unclassified		
AE	108		Def Resp to Gov Req for Leave to File, 23 May 12	3	Unclassified		
AE	109		Gov Resp to Def Motion to Require Non-Ex Parte Filing by Gov, 28 May 12	4	Unclassified		
AE	110		Def Repl to Gov Resp to Def Motion to Require Non-Ex Parte, 29 May 12	3	Unclassified		
AE	111		Ruling: Def Motion: Non-Ex Parte Filing by Gov, 29 May 12	2	Unclassified		
AE	112		Def Prop Case Management Order, 22 May 12	5	Unclassified		
AE	113		Gov Prop Case Calendar Update, 24 May 12	7	Unclassified		

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AE	114		Gov Disclosure to Def, 30 May 12	1	Unclassified		
AE	114	Enclosure 1	Redacted In Camera Ex Parte Motion under MRE 505(g)(2) (DIA IRTF)	6	Unclassified		
AE	114	Enclosure 2	Redacted In Camera Ex Parte Motion under MRE 505(g)(2) (CIA)	4	Unclassified		
AE	115		Supp to Gov Disclosure to Def, 31 May 12	1	Unclassified		
AE	115	Enclosure	Redacted In Camera Ex Parte Motion under MRE 505(g)(2) (DIA IRTF)	6	Unclassified		
AE	116		Def Resp to Gov Motions for Authorization of Substitution, 1 Jun 12	6	Unclassified		
AE	117		Gov Req for Time to Supp Court Order, 30 May 12	2	Unclassified		
AE	118		Ruling: Gov Motion for Continuance, 31 May 12	1	Unclassified		
AE	119		Gov Notice to Court of ID of NCIX Damage Assessment, 31 May 12	2	Unclassified		
AE	119	Enclosure 1	Gov Letter to ODNI, 24 May 12	3	Unclassified		
AE	119	Enclosure 2	Letter from ODNI to Gov, 30 May 12	3	Unclassified		
AE	120		Def Resp to Gov Notice to Court of ONCIX Damage Assessment, 2 Jun 12	6	Unclassified		
AE	120	Attachment	Emails from the Parties to the Court	3	Unclassified		
AE	121		Def Motion to Record and Transcribe all RCM 802 Conferences, 2 Jun 12	3	Unclassified		
AE	121	Attachment	Memo from Gov to Def, Subj: Disclosure of Damage Assessment - DoE, 30 May 12	2	Unclassified		
AE	122		Order: Department of State Wit for Motions Hearing, 4 Jun 12	1	Unclassified		
AE	122	Email	Email chain	5	Unclassified		
AE	123		Def Resp to Gov Motion - Prop LIOs, 23 May 12	8	Unclassified		
AE	124		Ruling: Gov Motion for Extension to Respond to Def 505(g)(2) Motion, 24 May 12	1	Unclassified		
AE	125		Gov Disclosure to the Court, 18 May 12	4	Unclassified		

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AE	125	Enclosure	Letter from Do5, 18 May 12	2	Unclassified		
AE	126		Ruling: Gov Motion for Continuance, 31 May 12	1	Unclassified		
AE	127		Gov Req for Additional Time (Supp Court Order for Ex Parte), 30 May 12	2	Unclassified		
AE	128		Ruling: Def Motion to Compel Discovery Damage Assessments - Do5, DIA IRTF, CIA, 6 Jun 12	3	Unclassified		
AE	129		Ruling: Def Motion - Record and Transcribe RCM 802 Conferences, 6 Jun 12	2	Unclassified		
AE	130		FBI Grand Jury Testimony Redacted (Sealed Exhibit)	151	Unclassified	Reason 5	stored in the original ROT
AE	131		Ruling: Def Motion - Compel ID of Brady Materials, 7 Jun 12	2	Unclassified		
AE	132		Gov Motion for Substitution under MRE 505(g)(2) - DIA Damage Assessment (class), 18 May 12	5	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	132	Enclosure 1	Gov Motion for Substitution under MRE 505(g)(2) (DIA) - Enc 1	122	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	132	Enclosure 2	Gov Motion for Substitution under MRE 505(g)(2) (DIA) - Enc 2	123	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	132	Enclosure 3	Gov Motion for Substitution under MRE 505(g)(2) (DIA) - Enc 3	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	132	Enclosure 4	Gov Motion for Substitution under MRE 505(g)(2) (DIA) - Enc 4	5	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	132	Enclosure 5	Gov Motion for Substitution under MRE 505(g)(2) (DIA) - Enc 5	5	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	133		Gov Motion for Substitution under MRE 505(g)(2) - CIA Damage Assessment (class), 18 May 12	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	133	Enclosure 1	Gov Motion for Substitution under MRE 505(g)(2) (CIA) - Enc 1	3	Top Secret	Reason 1; Reason 7 (government)	stored at the CIA

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AE	133	Enclosure 2	Gov Motion for Substitution under MRE 505(g)(2) (CIA) - Enc 2	0	Secret//HCS	Reason 1; Reason 7 (government)	stored at the CIA
AE	133	Enclosure 3	Gov Motion for Substitution under MRE 505(g)(2) (CIA) - Enc 3	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	134		Legislative History, Def Motion to Dismiss Specs 13 & 14, Ch II, 7 Jun 12	14	Unclassified		
AE	135		Add to Def Motion to Compel Discovery #2, 7 Jun 12	3	Unclassified		
AE	136		Def Email to the Court, Resp to Court Questions, 7 Jun 12	12	Unclassified		
AE	137		Gov Email to the Court, Brief Repl Legislative History, 8 Jun 12	3	Unclassified		
AE	138		Ruling: Def Motion to Dismiss Specs 2, 3, 5, 7, 9, 10, 11 and 15 of Ch II, 8 Jun 12	4	Unclassified		
AE	139		Ruling: Def Motion to Dismiss Specs 13 & 14 of Ch II - Fail to State an Offense, 8 Jun 12	9	Unclassified		
AE	140		Gov Notice to the Court Ex Parte of Aggravation Evidence, 8 Jun 12	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	140	Enclosure	Aggravation Evidence Spreadsheet	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	141		Supp to Gov Motion for Substitution under 505(g)(2) (CIA Damage Assessment), 8 Jun 12	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	142		Ruling: Delay of Court's Ruling on Def Motion to Compel Discovery #2, 8 Jun 12	3	Unclassified		
AE	143		Ruling: Def and Gov Motions for Instructions on LIOs, 8 Jun 12	6	Unclassified		
AE	144		Class Information Seal Order (AE 140), 8 Jun 12	1	Unclassified		
AE	145		Class Information Seal Order (AE 141), 8 Jun 12	1	Unclassified		
AE	146		Ruling: Def Motion to Compel Discovery - Damage Assessments - WikiLeaks Task Force, 22 Jun 12	2	Unclassified		
AE	147		Ruling: Def Motion to Compel Discovery #2, 22 Jun 12	7	Unclassified		
AE	148		Gov Req for Leave to File Motions in Limine After Elements are Defined, 15 Jun 12	1	Unclassified		

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AE	149		Order: Due Diligence/Wit/Gov Motion in Limine, 19 Jun 12	1	Unclassified		
AE	150		Def Prop Case Management Order, 11 Jun 12	2	Unclassified		
AE	151		Gov Prop Case Calendar Update, 21 Jun 12	6	Unclassified		
AE	152		Add #2 to Def Motion to Compel Discovery #2: Req for Wit, 18 Jun 12	5	Unclassified		
AE	152	Attachment	Email chain from Mr. Coombs to MAJ Fein, 15 Jun 12	4	Unclassified		
AE	153		Req for Reconsideration of Add #2 to Def Motion to Compel Discovery #2: Req for Wit, 21 Jun 12	7	Unclassified		
AE	153	Attachment	Emails between Parties about Updates, 15 Jun 12	4	Unclassified		
AE	154		Gov Resp to Req for Reconsideration of Add #2 to Def Motion to Compel Discovery #2: Req for Wit, 21 Jun 12	2	Unclassified		
AE	155		Order: Def Motion to Reconsider Wit Production, 21 Jun 12	1	Unclassified		
AE	156		Gov Motion for Substitution under MRE 505(g)(2) - FBI Impact Statement, 22 Jun 12	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	156	Enclosure 1	Original FBI Impact Statement	27	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	156	Enclosure 2	Redacted and Summarized FBI Impact Statement	27	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	156	Enclosure 3	FBI Memo, 19 Jun 12	2	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	156	Enclosure 4	Draft Sealing Order	1	Unclassified		
AE	157		Gov Disclosure to the Def, 22 Jun 12	1	Unclassified		
AE	157	Enclosure	AE 156 (Unclass Redacted Version)	3	Unclassified		
AE	158		Gov Supp to Motion to Preclude Actual Harm or Damage from Pretrial Motions Practice and Merits, 21 Jun 12	9	Unclassified		
AE	158	Enclosure	80th Congress 1st Session Report No. 427 Internal Security of the United States, 27 May 1949	10	Unclassified		
AE	159		Gov Prop Member Instructions, 22 Jun 12	31	Unclassified		
AE	159	Enclosure 1	Transcript, Morison	29	Unclassified		
AE	159	Enclosure 2	Transcript, Diaz	15	Unclassified		

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AE	159	Enclosure 3	8th Cir. Instr. 641	3	Unclassified		
AE	159	Enclosure 4	5th Cir. Instr. 641	3	Unclassified		
AE	159	Enclosure 5	9th Cir. Instr. 1030(a)(1)	2	Unclassified		
AE	159	Enclosure 6	Mod. Fed. Jury Instr. 793(e)	17	Unclassified		
AE	159	Enclosure 7	Transcript, Regan	22	Unclassified		
AE	160		Gov Motion for Preliminary Ruling on Admissibility of Evidence (Business Records), 22 Jun 12	11	Unclassified		
AE	160	Enclosure 1	Accused's OMPF from HRC w/ attestation	79	Unclassified		
AE	160	Enclosure 2	Accused's 5MIF w/ attestation	104	Unclassified		
AE	160	Enclosure 3	OPM Investigation and Supporting Documents w/ attestation	74	Unclassified		
AE	160	Enclosure 4	ATRRS Records w/ attestation	5	Unclassified		
AE	160	Enclosure 5	35F10 AIT POI and Lesson Plan w/ attestation	2	Unclassified		
AE	160	Enclosure 6	35F10 AIT Student Evaluation Plan w/ attestation	19	Unclassified		
AE	160	Enclosure 7	DoD IA Awareness Version 7 (dtd Oct 08) and Version 8 (dtd Oct 09) w/ attestation	2	Unclassified		
AE	160	Enclosure 8	IA Screenshot w/ attestation	4	Unclassified		
AE	160	Enclosure 9	IAVTC Screenshot w/ attestation	3	Unclassified		
AE	160	Enclosure 10	AIR, SA Bettencourt, 21 Jan 11	2	Unclassified	Reason 6	stored in the original ROT
AE	160	Enclosure 11	JAMMS Records w/ attestation	12	Unclassified		
AE	160	Enclosure 12	AIR, SA Kim, 31 Aug 10	3	Unclassified	Reason 6	stored in the original ROT
AE	160	Enclosure 13	DCGS-A Info Sheet	2	Unclassified		
AE	160	Enclosure 14	SCI Packet w/ attestation	27	Unclassified		
AE	160	Enclosure 15	DCGS-A CON List w/ attestation	16	Unclassified		
AE	161		Gov Motion for Max Punishments for LIO, 22 Jun 12	7	Unclassified		
AE	162		Gov WIT List, 22 Jun 12	9	Unclassified		
AE	163		Gov Motion for Modification of Court Order: Gov Motion: Prot Order(s) dated 24 Apr 12, 22 Jun 12	4	Unclassified		
AE	163	Enclosure 1	Certification Example	2	Unclassified		
AE	163	Enclosure 2	Draft Order	3	Unclassified		
AE	164		Def Targeted Brief on Absence of Harm, 21 Jun 12	16	Unclassified		
AE	164	Attachment A	WikiLeaks Website Publishes Class Military Docs from Iraq, CNN, 22 Oct 10	6	Unclassified		
AE	164	Attachment B	Gates, Mullen Blast WikiLeaks for Disclosures, Fox News, 29 Jul 10	3	Unclassified		
AE	164	Attachment C	Charlie Savage, Gates Assaults WikiLeaks Over Release of Reports, NYT, 30 Jul 10	4	Unclassified		
AE	164	Attachment D	Adam Levine, Gates: Leaked Documents: The Key Intel, But Risks Remain, CNN, 16 Oct 10	3	Unclassified		

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AE	164	Attachment E	WikiLeaks Iraq War Docs: The Key Issues, BBC News, 25 Oct 10	4	Unclassified		
AE	164	Attachment F	Are Risks from WikiLeaks Overstated by Gov?, Associated Press, 17 Aug 10	4	Unclassified		
AE	164	Attachment G	Nancy A. Youssef, US Officials: New WikiLeaks Release Will do Most Harm Yet, McClatchy Tribune News Service, 27 Nov 10	2	Unclassified		
AE	164	Attachment H	George Packer, The Right to Secrecy, New Yorker, 29 Nov 10	3	Unclassified		
AE	164	Attachment I	Sec of State Clinton Contacts Countries Ahead of WikiLeaks Release, Seattle Times, 27 Nov 10	2	Unclassified		
AE	164	Attachment J	Clinton: WikiLeaks Won't Hurt US Diplomacy, CBS News, 2 Dec 10	2	Unclassified		
AE	164	Attachment K	DoD News Briefing w/ Sec Gates and Adm Mullen from the Pentagon, DoD, 30 Nov 10	9	Unclassified		
AE	165		Def Req Instruction: Spec 13 & 14 of Ch II, 22 Jun 12	5	Unclassified		
AE	166		Def Req Instruction: Specs 2, 3, 5, 7, 9, 10, 11, and 15 of Ch II, 22 Jun 12	8	Unclassified		
AE	167		Def Req Instruction: Specs 4, 6, 8, 12, and 16 of Ch II, 22 Jun 12	11	Unclassified		
AE	168		Def Req Instruction: Art 104, 22 Jun 12	3	Unclassified		
AE	169		Def Motion for Specific Instructions: The Spec of Ch I, 22 Jun 12	10	Unclassified		
AE	169	Attachment A	Manual for Military Commissions (MMC) excerpt	5	Unclassified		
AE	169	Attachment B	Military Commissions Act of 2009 excerpt	3	Unclassified		
AE	170		Def Renewed Motion to Dismiss for FTSO: Specs 13 & 14 of Ch II, 22 Jun 12	14	Unclassified		
AE	170	Attachment A	Email Referencing Authorization of Wget	5	Unclassified		
AE	170	Attachment B	Intelink Logs Forensic Report, Bates #00124331	2	Unclassified		
AE	171		Def Req for Clarification of Court Ruling on Motion to Compel Discovery #2, 23 Jun 12	8	Unclassified		
AE	172		Gov Resp to Def Motion for Modified Relief for Def Repl to Pros Resp to Supp to Def Motion to Compel Discovery #2, 20 Jun 12	6	Unclassified		

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AE	173	Attachment	Email Traffic to Req Review of NCIX Resp, 2 Mar 12	3	Unclassified		
AE	174		Def Req Instruction: Art 92 and Spec 1 of Ch II, 22 Jun 12	4	Unclassified		
AE	175		Ruling: Delay of Court's Ruling on Def Motion to Compel Discovery #2, 8 Jun 12	3	Unclassified		
AE	176		Ruling: Def Motion - Clarification of Ruling on Motion to Compel Discovery #2, 25 Jun 12	1	Unclassified		
AE	177		Ruling: Def Motion - Due Diligence, 25 Jun 12	3	Unclassified		
AE	178		Gov Motion for Preliminary Determination of Admissibility of Evidence (Logs) (Corrected Copy), 11 Jul 12	7	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 1	Forensic Report Manning SIPR .22	75	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 2	Forensic Report Manning SIPR .40	15	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 3	Forensic Report Manning .185	8	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 4	Forensic Report, OGA Documents	22	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 5	Forensic Report, ACIC Document	16	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 6	ACIC Access Logs w/ attestation (admitted as PE 63)	1	Unclassified		Entered as Prosecution Exhibit 63
AE	178	Enclosure 7	ACIC Server Logs w/ attestation (admitted as PE 64)	1	Unclassified		Entered as Prosecution Exhibit 64
AE	178	Enclosure 8	CIA W/Re Logs w/ attestation	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	178	Enclosure 9	Centaur Logs w/ attestation (admitted as PE 152)	1	Unclassified		Entered as Prosecution Exhibit 152
AE	178	Enclosure 10	Centaur Log IP Addresses	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	179		Class Supp to Gov Wit List (Corrected Copy), 11 Jul 12	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	180		Def Updated Case Calendar, 27 Jun 12	7	Unclassified		
AE	181		Def Req Wit: Art 13 Motion, 3 July 12	4	Unclassified		
AE	182		Def Resp to Gov Motion for Authorization of a Substitution for FBI Impact Statement, 6 Jul 12	5	Unclassified		
AE	183		Def Resp to Gov Motion for Modification of Prot Order, 6 Jul 12	10	Unclassified		
AE	183	Attachment A	23 Mar 12 Email from MAJ Fein to Court	2	Unclassified		
AE	183	Attachment B	2 Apr 12 Email from MAJ Fein to Court	2	Unclassified		
AE	183	Attachment C	2 Apr 12 Email from Court to MAJ Fein	2	Unclassified		

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AE	183	Attachment G	16 Apr 12 Email from MAJ Fein to Mr. Coombs	2	Unclassified		
AE	183	Attachment H	14 Mar 12 Email from Mr. Coombs to MAJ Fein	2	Unclassified		
AE	183	Attachment I	30 May 12 Email Exchange btw Mr. Coombs and MAJ Fein	7	Unclassified		
AE	184		Def Resp to Gov Motion for Admission of Evidence Under MRE 803(6), 6 Jul 12	4	Unclassified		
AE	185		Def Notice Under MRE 505(h)(3): Charged Docs, 6 Jul 12	5	Unclassified		
AE	186		Gov Resp to Def Motion for Specific Instructions: The Spec of Ch I, 6 Jul 12	5	Unclassified		
AE	187		Gov Resp to Def Req Instruction: Specs 4, 6, 8, 12, and 16 of Ch II, 6 Jul 12	3	Unclassified		
AE	188		Gov Resp to Renewed Motion to Dismiss Specs 13 and 14 of Ch II for Failure to State an Offense, 6 Jul 12	7	Unclassified		
AE	188	Enclosure 1	Forensic Report Excerpt	1	Unclassified	Reason 6	stored in the original ROT
AE	188	Enclosure 2	Art 32 Testimony, SA David Shaver	11	Unclassified		
AE	188	Enclosure 3	Continuation Sheet, DD Form 457, Pages 27-32	6	Unclassified		
AE	189		Gov Resp to Def Req Instruction: Specs 13 & 14 of Ch II, 6 Jul 12	3	Unclassified		
AE	190		Gov Resp to Def Req Instruction: Spec 1 of Ch II, 6 Jul 12	2	Unclassified		
AE	191		Gov Resp to Def Req Instruction: Specs 2, 3, 5, 7, 9, 10, 11, and 15 of Ch II, 6 Jul 12	3	Unclassified		
AE	192		Gov Supp Resp to Def Motion to Compel Discovery #2, 9 Jul 12	7	Unclassified		
AE	192	Enclosure 1	Gov Supp Resp to Def Motion to Compel Discovery #2, 9 Jul 12, Enc 1	4	Unclassified		
AE	193		Gov Prop Case Calendar Update, 29 Jun 12	6	Unclassified		
AE	194		Gov Prop Case Calendar Update, 30 Jun 12	7	Unclassified		

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AE	195		Gov Resp to Def Wit Req: Art 13, 10 Jul 12	3	Unclassified		
AE	196		Add to Def Notice Under MRE 505(h)(3): Charged Docs, 11 Jul 12	1	Unclassified		
AE	197		Def Repl to Gov Resp to Renewed Def Motion to Dismiss for FTSO: Specs 13 & 14 of Ch II, 11 Jul 12	25	Unclassified		
AE	198		Def Repl to Gov Resp to Def Motion for Specific Instructions: The Spec of Ch I, 11 Jul 12	8	Unclassified		
AE	199		Def Repl to Gov Resp to Def Req Instruction: Specs 4, 6, 8, 12 and 16 of Ch II, 11 Jul 12	2	Unclassified		
AE	199	Attachment	Federal Jury Instructions	16	Unclassified		
AE	200		Def Repl to Gov Resp to Def Req Instruction: Specs 2, 3, 5, 7, 9, 10, 11, and 15 of Ch II, 11 Jul 12	2	Unclassified		
AE	201		Def Repl to Gov Resp to Def Req Instruction: Specs 13 and 14 of Charge II, 11 Jul 12	1	Unclassified		
AE	201	Attachment	Federal Jury Instructions	14	Unclassified		
AE	202		Def Repl to Gov Supp Resp to Def Motion to Compel Discovery #2, 11 Jul 12	9	Unclassified		
AE	203		Def Repl to Gov Resp to Def Req Instruction: Spec 1 of Charge II, 11 Jul 12	3	Unclassified		
AE	204		Gov Resp to Def Notice under MRE 505(h)(3): Charged Documents, 11 Jul 12	4	Unclassified		
AE	204	Enclosure	Art 32 Notice	3	Unclassified		
AE	205		Gov Resp to Def Prop Court Member Questionnaire, 11 Jul 12	10	Unclassified		
AE	205	Enclosure 1	Court Member Questionnaire	8	Unclassified		
AE	205	Enclosure 2	Court Member Supplemental Questionnaire	9	Unclassified		
AE	206		Def Motion to Compel Production of Wit and Evidence for Art 13 Motion, 13 Jul 12	7	Unclassified		
AE	206	Attachment A	Art: United Kingdom of Great Britain and Northern Ireland	3	Unclassified		
AE	206	Attachment B	Incident Report	2	Unclassified		

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AE 207		Def Prop Court Members Questionnaire	23	Unclassified		
AE 208		Gov Notice to Court of Identification of Additional CIA Information, 12 Jul 12	1	Unclassified		
AE 209		Gov Req for Leave Until 18 July 2012 to File a Prot Order and Motion for Interim Prot Order, 11 Jul 12	1	Unclassified		
AE 210		Email, US v Martinelli Question, 16 Jul 12	3	Unclassified		
AE 211		Disputed Questions in Prop Court Member Questionnaires, 17 Jul 12	5	Unclassified		
AE 212		Order: Gov Motion: Prot Order(s) Add	2	Unclassified		
AE 213		Additional Research Req by the Court: Valuation, 17 Jul 12	4	Unclassified		
AE 214		Additional Research Req by the Court: Conversion, 17 Jul 12	3	Unclassified		
AE 215		US v Drew Information	55	Unclassified		
AE 216		Ruling: Gov Motion to Admit Evidence, 18 Jul 12	2	Unclassified		
AE 217		Email from CPT Morrow, 17 Jul 12	4	Unclassified		
AE 217	Attachment	US v Rauscher	5	Unclassified		
AE 218		Ruling: Def Renewed Motion to Dismiss Specs 13 and 14, Ch II for Failure to State an Offense, 18 Jul 12	3	Unclassified		
AE 219		Ruling: Lesser Included Offense Maximum Punishments, 19 Jul 12	2	Unclassified		
AE 220		Gov Req for Leave until 17 August 2012 to Provide Notice and Disclosure of Certain Documents, 19 Jul 12	2	Unclassified		
AE 221		Ruling: Gov Motion to Preclude Reference to Actual Harm or Damage on Merits, 19 Jul 12	5	Unclassified		
AE 222		Ruling: Def Motion to Compel Department of State Discovery Motion to Compel #2, 19 Jul 12	4	Unclassified		
AE 223		Modern Federal Jury Instructions	8	Unclassified		
AE 224		Prop Scheduling Order	7	Unclassified		
AE 225		Def Resp to Pros Prop Case Calendar, 26 Jul 12	4	Unclassified		
AE 226		Gov Motion for Leave until 14 September to Provide Notice and Disclosure of Docs, 25 Jul 12	2	Unclassified		

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AE	227		Def Resp to Gov Req for Leave, 26 Jul 12	4	Unclassified		
AE	228		Gov Supp to Motion for Leave, 26 Jul 12	2	Unclassified		
AE	229		Def Resp to Pros Supp to Req for Leave, 1 Aug 12	3	Unclassified		
AE	230		Ruling: Gov Req for Leave until 14 September 2012, 1 Aug 12	2	Unclassified		
AE	231		Def Req for Continuance, 27 Jul 12	2	Unclassified		
AE	231	Attachment A	MAJ Fein Email, 26 Jul 12	2	Unclassified		
AE	231	Attachment B	MAJ Fein Email, 27 Jul 12	3	Unclassified		
AE	232		Ruling: Def Req for Continuance, 1 Aug 12	3	Unclassified		
AE	232	Attachment	Email Traffic btw Parties	14	Unclassified		
AE	233		Def Motion for Judicial Notice of DCGS-A Inadequacies, 3 Aug 12	4	Unclassified		
AE	233	Attachment A	DCGS-A	3	Unclassified		
AE	233	Attachment B	Commander's Handbook DCGS-A	19	Unclassified		
AE	233	Attachment C	MG Flynn Memo, 2 Jul 10	6	Unclassified		
AE	233	Attachment D	Letter to Chairman Dicks and Ranking Member Young, 19 Jul 10	2	Unclassified		
AE	233	Attachment E	Letter to Chairman Dicks, 28 Jul 10	2	Unclassified		
AE	233	Attachment F	Letter to COL Newell, 25 Aug 10	2	Unclassified		
AE	233	Attachment G	Letter to Chief of Staff Dempsey, 23 May 11	3	Unclassified		
AE	233	Attachment H	Politico Art "Computer Bugs Hurt Army Ops", 29 Jun 11	4	Unclassified		
AE	233	Attachment I	Art "US Army Intel Software Crashes During Exercise", 22 Sept 11	2	Unclassified		
AE	234		Gov Resp to Def Motion for Judicial Notice (DCGS-A), 17 Aug 12	4	Unclassified		
AE	235		Def Motion for Judicial Notice (Finkel Book), 3 Aug 12	4	Unclassified		
AE	235	Attachment A	Washington Post Art "US Gunfire Kills Reuters Employees in Baghdad", 6 Apr 10	13	Unclassified		
AE	235	Attachment B	Amazon.com David Finkel Book	4	Unclassified		
AE	235	Attachment C	Macmillan Website of David Finkel bio	4	Unclassified		
AE	235	Enclosure 1	CD (Enc to AE 235 Video for Spec 2 of Charge II)	1	Unclassified		
AE	236		Gov Resp to Def Motion for Judicial Notice (Finkel Book), 17 Aug 12	3	Unclassified		

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AE	237		Def Motion for Judicial Notice and Admission of Public Statements, 3 Aug 12	7	Unclassified		
AE	237	Attachment A	NYT Art "A Statement by the US Gov", 24 Apr 11	3	Unclassified		
AE	237	Attachment B	A&C News Art "Obama on WikiLeaks", 27 Jul 10	3	Unclassified		
AE	237	Attachment C	Marine Corps Times Art "Gates: Limited Damage from WikiLeaks", 15 Oct 10	3	Unclassified		
AE	237	Attachment D	Letter to SECDEF Gates, 28 Jul 10 and Resp	7	Unclassified		
AE	237	Attachment E	NYT Art "Gates on Leaks, Wiki and Otherwise", 30 Nov 10	2	Unclassified		
AE	237	Attachment F	USA Today Art "Clinton: WikiLeaks won't hurt US Diplomacy", 1 Dec 10	3	Unclassified		
AE	237	Attachment G	CNN Art "Clinton: WikiLeaks cables show diplomacy at work", 4 Dec 10	3	Unclassified		
AE	237	Attachment H	MSNBC Art "Biden on START, WikiLeaks"	5	Unclassified		
AE	237	Attachment I	NYT Art "US Officials Reportedly Said WikiLeaks Revelations 'Not Damaging'", 19 Jan 11 and Conyers Statement	9	Unclassified		
AE	238		Gov Resp to Def Motion for Judicial Notice and Admission of Public Statements, 17 Aug 12	6	Unclassified		
AE	239		Gov Wit List for Art 13 Motion, 14 Aug 12	2	Unclassified		
AE	240		Def Req for Additional Wit: Art 13, 15 Aug 12	5	Unclassified		
AE	240	Enclosure 1	AE 239	2	Unclassified		
AE	241		Gov Resp to Def Req for Additional Wit: Art 13, 22 Aug 12	3	Unclassified		
AE	242		Def Motion to Compel Production of Wit for Art 13 Motion, 24 Aug 12	9	Unclassified		
AE	243		Def Motion to Compel Discovery #3, 17 Aug 12	5	Unclassified		
AE	243	Attachment A	Gov Preservation Req, 28 Apr 11	2	Unclassified		
AE	243	Attachment B	Resp to Quantico indicating all correspondence provided to TC, 20 Dec 11	2	Unclassified		
AE	243	Attachment C	Gov Discovery Resp, 14 Aug 12	5	Unclassified		
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AE	244		Gov Resp to Def Motion to Compel Discovery #3, 23 Aug 12	5	Unclassified		
AE	244	Enclosure 1	Def Discovery Req, 8 Dec 10	4	Unclassified		
AE	244	Enclosure 2	Def Discovery Req, 1 Aug 12	4	Unclassified		
AE	244	Enclosure 3	Fein Email, "Gov Notice to Court", 23 Aug 12	3	Unclassified		
AE	245		Def Motion to Amend Prot Order, 17 Aug 12	2	Unclassified		
AE	246		Gov Motion to Pre-Admit (Computer Generated Records), 3 Aug 12	9	Unclassified		
AE	246	Enclosure 1	FR Manning SIPIR .22 attached to AE 178	1	Secret		
AE	246	Enclosure 2	FR Manning SIPIR .40 attached to AE 178	1	Secret		
AE	246	Enclosure 4	OSC Logs for bradass87, (admitted as PE 141)	1	Secret		Entered as Prosecution Exhibit 141
AE	246	Enclosure 5	CD w/attestation (5&6 on same disc w/same attestation as 6), attached to AE 278	4	Unclassified		
AE	246	Enclosure 6	CD w/attestation (5&6 on same disc w/same attestation as 5), attached to AE 278	4	Unclassified		
AE	246	Enclosure 7	OSC User Info Files bmanning/bradass87 w/ attestation, (admitted as PE 140)	1	Unclassified		Entered as Prosecution Exhibit 140
AE	246	Enclosure 8	Intelink .22 and .40 Logs w/attestation, (admitted as PE 61)	1	Secret		Entered as Prosecution Exhibit 61
AE	246	Enclosure 9	Intelink Passport Account Info w/ attestation, (admitted as PE 62)	1	Secret		Entered as Prosecution Exhibit 62
AE	247		Def Resp to Gov Motion to Pre-Admit (Computer Gen Records), 17 Aug 12	4	Unclassified		
AE	248		Gov Motion to Take Judicial Notice, 3 Aug 12	6	Unclassified		
AE	248	Enclosure 1	AR 25-2 sections	17	Unclassified		
AE	248	Enclosure 2	AR 280-5 sections	35	Unclassified		
AE	248	Enclosure 3	AR 530-1 sections	7	Unclassified		
AE	248	Enclosure 4	18 USC 641	2	Unclassified		
AE	248	Enclosure 5	18 USC 793(e)	4	Unclassified		
AE	248	Enclosure 6	18 USC 1030(a)(1)	9	Unclassified		
AE	248	Enclosure 7	Executive Order 13526	28	Unclassified		
AE	248	Enclosure 8	Authorization for Use of Military Force	3	Unclassified		
AE	249		Def Resp to Gov Req for Judicial Notice, 17 Aug 12	3	Unclassified		

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AE	250	Enclosure 2	Accused's PowerPoint Presentation, 13 Jun 08	13	Unclassified		
AE	250	Enclosure 3	Summarized Art 32 Testimony, SPC Showman	8	Unclassified		
AE	250	Enclosure 4	Sworn Statement, SPC Showman	5	Unclassified		
AE	250	Enclosure 5	Art 15 Packet	17	Unclassified		
AE	250	Enclosure 6	Summarized Art 32 Testimony, SSG Bigelow	2	Unclassified		
AE	250	Enclosure 7	MRE 404b Notice, 6 Apr 11	3	Unclassified		
AE	251		Def Repl to Gov Motion for Determination of Admissibility of MRE 404(b) Evidence, 17 Aug 12	6	Unclassified		
AE	251	Enclosure 1	Ms. Showman CD	1	Unclassified		
AE	252		Gov Disclosure to the Def, 3 Aug 12	2	Unclassified		
AE	252	Enclosure 1	Gov ex parte Motion FBI unclas/redacted	3	Unclassified		
AE	252	Enclosure 2	Gov ex parte Motion ONCIX unclas/redacted	3	Unclassified		
AE	252	Enclosure 3	Gov Motion DIA	3	Unclassified		
AE	252	Enclosure 4	Gov Motion CIA	3	Unclassified		
AE	253		Def Resp to Gov Motions under MRE 505 (FBI, ONCIX, DIA, CIA), 21 Aug 12	4	Unclassified		
AE	254		Order: Gov MRE 505(g)(2) Reductions, 21 Aug 12	1	Unclassified		
AE	255		Ruling: Gov Motion for 505(g)(2) Reductions - ONCIX Damage Assessment, 23 Aug 12	2	Unclassified		
AE	256		Def Req Wit: Speedy Trial Motion, 24 Aug 12	5	Unclassified		
AE	257		Gov Disclosure to the Def, 17 Aug 12	1	Unclassified		
AE	257	Enclosure 1	Gov in camera Motion for Auth/Redact of DIA Records under 505(g)(2) (unclas/redacted)	4	Unclassified		
AE	258		Def Motion to Dismiss for Unlawful Pretrial Punishment, 27 Aug 12	111	Unclassified		
AE	258	Attachment 1	Initial Custody Class Determination	12	Unclassified		
AE	258	Attachment 2	Psychiatrists' Weekly Recommendation	34	Unclassified		
AE	258	Attachment 3	SECNAV Instruction 1640.9C	20	Unclassified		
AE	258	Attachment 4	Special Handling Instructions	23	Unclassified		
AE	258	Attachment 5	Observation & Evaluation Notes	59	Unclassified		

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AE 258	Attachment 7	Capt. Hocter Affidavit #1	6	Unclassified		
AE 258	Attachment 8	Capt. Hocter Affidavit #2	5	Unclassified		
AE 258	Attachment 9	COL Malone Affidavit	4	Unclassified		
AE 258	Attachment 10	Memo to CWO4 Averhart about Conditions of Confinement, 5 Jan 11	3	Unclassified		
AE 258	Attachment 11	Req for Release from Confinement, 13 Jan 11	4	Unclassified		
AE 258	Attachment 12	COL Carl R. Coffman Jr Resp to Req for Relief from Confinement, 21 Jan 11	3	Unclassified		
AE 258	Attachment 13	PFC Manning Art 138 Complaint, 19 Jan 11	3	Unclassified		
AE 258	Attachment 14	PFC Manning Rebuttal to Col Choike's Resp to Art 138 Complaint, 10 March 11	12	Unclassified		
AE 258	Attachment 15	CWO4 James Averhart Resp to Art 138 Complaint, 24 Jan 11	9	Unclassified		
AE 258	Attachment 16	CWO4 Averhart Resp to PFC Manning Rebuttal to Art 138 Complaint, 16 Mar 11	3	Unclassified		
AE 258	Attachment 17	Col Oltman Resp to Art 138 Complaint, 31 Mar 11	2	Unclassified		
AE 258	Attachment 18	Col Choike Resp to Art 138 Complaint, 1 Mar 11	7	Unclassified		
AE 258	Attachment 19	Col Choike Notification of Separate Filing for New Matters Raised, 6 Apr 11; as well as Col Choike Resp to PFC Manning's Rebuttal to 138 Complaint, 8 Apr 11; PFC Manning Rebuttal #2 and Req to Consider new Matters Raised, 10 Apr 11	12	Unclassified		
AE 258	Attachment 20	CWO2 Denise Barnes Resp to Art 138 Complaint, 7 Apr 11	2	Unclassified		
AE 258	Attachment 21	CWO2 Denise Barnes Resp to PFC Manning Rebuttal to Art 138 Complaint, 10 May 11	4	Unclassified		
AE 258	Attachment 22	CW05 Galaviz Investigation in Resp to Art 138 Complaint and Appointment Memo	8	Unclassified		
AE 258	Attachment 23	Juan Garcia Final Action on 138 Complaint, 13 June 11	2	Unclassified		
AE 258	Attachment 24	Affidavit of 8rig Guards Regarding Incident on 18 Jan 11	6	Unclassified		

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AE	258	Attachment 26	Photo of Suicide Prevention Smock	2	Unclassified		
			Affidavit of 8rig Guard Documenting Incident where PFC Manning was trapped in Suicide Smock	2	Unclassified		
AE	258	Attachment 27	Amnesty International Letter	5	Unclassified		
AE	258	Attachment 28	Law Professors' Letter	9	Unclassified		
AE	258	Attachment 29	Psychologists for Social Responsibility Letter	5	Unclassified		
AE	258	Attachment 30	European Leaders' Letter	5	Unclassified		
AE	258	Attachment 31	Materials Related to the United Nations Special Rapporteur on Torture, Mr. Juan Mendez	17	Unclassified		
			Emails between Mr. Coombs and CPT Fein related to A) PFC Manning's POI Status at Quantico; and B) Arranging an Unmonitored Official Visit	57	Unclassified		
AE	258	Attachment 33	Quantico 8rig Policy on Visitation	3	Unclassified		
AE	258	Attachment 34	CWO4 Averhart Memo to Office of the Regimental Judge Advocate, 1 Dec 10	4	Unclassified		
AE	258	Attachment 35	PFC Manning DD510 Grievance Reference Conditions of Confinement	2	Unclassified		
			Statement from Professor Haney on Solitary Confinement and Other Documentation from the US Senate Committee on the Judiciary	26	Unclassified		
AE	258	Attachment 37	Work Reports	44	Unclassified		
AE	258	Attachment 38	Incident Reports	15	Unclassified		
AE	258	Attachment 39	5 Minute Observation Notes (Sample)	61	Unclassified		
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AE	258	Attachment 41	Gov Resp to Def Motion to Dismiss for Unlawful Pretrial Punishment (Art 13), 17 Aug 12	47	Unclassified		
AE	259	Enclosure 1	Handling Instructions	23	Unclassified		
AE	259	Enclosure 2	Manning Behavior MFR	3	Unclassified		
AE	259	Enclosure 3	Private Medical Records Information	199	Unclassified	Reason 4	stored in the original ROT
AE	259	Enclosure 4	Art 15 Packet	17	Unclassified		
AE	259	Enclosure 5	AIR of SA Graham	8	Unclassified	Reason 6	stored in the original ROT
AE	259	Enclosure 6	Statements by SPC Schwab	5	Unclassified		
AE	259	Enclosure 7	Transfer Documents	30	Unclassified		
AE	259	Enclosure 8	Confinement Order	4	Unclassified		

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE 259	Enclosure 9	Req for Monitoring of Communications	2	Unclassified		
AE 259	Enclosure 10	Review of Pretrial Confinement	13	Unclassified		
AE 259	Enclosure 11	Req for Monitoring of Communications	2	Unclassified		
AE 259	Enclosure 12	Email from Coombs to Fein, 18 Sep 10	3	Unclassified		
AE 259	Enclosure 13	Visitor Communications Monitoring Ack	66	Unclassified		
AE 259	Enclosure 14	Inmate Information Sheet	7	Unclassified		
AE 259	Enclosure 15	Inmate Observation Report	5	Unclassified		
AE 259	Enclosure 16	MFR for Use of Force, 30 Jun 10	2	Unclassified		
AE 259	Enclosure 17	Transfer Documents	104	Unclassified		
AE 259	Enclosure 18	MFR, Commander's Assessment, 29 Jul 10	2	Unclassified		
AE 259	Enclosure 19	Custody Classification	5	Unclassified		
AE 259	Enclosure 20	Inmate Background Summary	6	Unclassified		
AE 259	Enclosure 21	Assignment Reviews	37	Unclassified		
AE 259	Enclosure 22	Weekly Progress Reports	110	Unclassified		
AE 259	Enclosure 23	Rebuttal to Art 138 Complaint, 16 Mar 11	3	Unclassified		
AE 259	Enclosure 24	Program Plans	59	Unclassified		
AE 259	Enclosure 25	Inspection of Quantico Brig ICO PFC Manning	6	Unclassified		
AE 259	Enclosure 26	MCBQ Administrative Record of Visit	88	Unclassified		
AE 259	Enclosure 27	Art 138 Resp, 1 Mar11	7	Unclassified		
AE 259	Enclosure 28	Art 138 forward to SECNAV, 8 Apr 11	8	Unclassified		
AE 259	Enclosure 29	Resp to Req for Redress, 24 Jan 11	9	Unclassified		
AE 259	Enclosure 30	Resp to Req for Redress, 31 Jan 11	2	Unclassified		
AE 259	Enclosure 31	Second Art 138 Complaint, 3 Sep 11	2	Unclassified		
AE 259	Enclosure 32	Classification and Assignment Req	27	Unclassified		
AE 259	Enclosure 33	Voluntary Statements	6	Unclassified		
AE 259	Enclosure 34	Incident Report, 18 Jan 11	3	Unclassified		
AE 259	Enclosure 35	Rebuttal to Art 138 Complaint, 16 Mar 11	3	Unclassified		
AE 259	Enclosure 36	Suicide Video Pt 1 MOD	2	Unclassified		
AE 259	Enclosure 37	Suicide Video Pt 2 MOD	2	Unclassified		
AE 259	Enclosure 38	Resp to Second Art 138 Complaint, 11 May 2010	4	Unclassified		
AE 259	Enclosure 39	Special Inquiry into Art 138, 23 Feb 11	4	Unclassified		
AE 259	Enclosure 40	Sworn Statement, MSgt Papakie, 3 Mar 11	2	Unclassified		
AE 259	Enclosure 41	Incident Report, 13 Mar 11	2	Unclassified		
AE 259	Enclosure 42	Incident Report, 15 Mar 11	2	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	259	Enclosure 43	MFR for MCBQ from COL Coffman, 21 Jan 10	3	Unclassified		
AE	259	Enclosure 44	RCO Worksheet	3	Unclassified		
AE	259	Enclosure 45	Discipline and Adjustment Board Reports	25	Unclassified		
AE	259	Enclosure 46	JRCF Attack Video	2	Unclassified		
AE	259	Enclosure 47	SECNAV Instruction 1640.9C	389	Unclassified		
AE	259	Enclosure 48	Quantico Base PCF Order P1640.1C	190	Unclassified		
AE	259	Enclosure 49	Audio w/ coversheet	3	Unclassified		
AE	259	Enclosure 50	Table of Contents for Def unclas Email	3	Unclassified		
AE	260		Def Supp to Art 13 Motion, 24 Aug 12	27	Unclassified		
AE	260	Attachment A	Emails Provided by Gov on 26 Jul 12	152	Unclassified		
AE	260	Attachment B	Email from Gov to Def, 20 Jan 11	4	Unclassified		
AE	261		Def Notice of Intent to Disclose Class Information under MRE 505(h) (class), 17 Aug 12	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	262		Gov Resp to Def Notice of Intent to Disclose Class Information under MRE 505(h), 22 Aug 12	2	Unclassified		
AE	263		Gov Motion to Redact DIA Records under MRE 505(g)(2), 3 Aug 12	3	Unclassified		
AE	263	Enclosure 1	Original DIA Records	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	263	Enclosure 2	Redacted DIA Records	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	263	Enclosure 3	DIA memo, dated 3 August 2012	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE	264		Gov Ex Parte Statement of Due Diligence - 25 Jul 12	35	Secret	Reason 2; Reason 5; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	264	Enclosure 1	Gov Ex Parte Statement of Due Diligence - Enc 1	13	Unclassified	Reason 7 (government)	stored in the original ROT
AE	264	Enclosure 2	Gov Ex Parte Statement of Due Diligence - Enc 2	64	Unclassified	Reason 7 (government)	stored in the original ROT
AE	264	Enclosure 2 (Classified Portion)	Gov Ex Parte Statement of Due Diligence - Enc 2 (class portion)	7	Confidential	Reason 3; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	264	Enclosure 3	Gov Ex Parte Statement of Due Diligence - Enc 3	6	Unclassified	Reason 7 (government)	stored in the original ROT
AE	264	Enclosure 4	Gov Ex Parte Statement of Due Diligence - Enc 4	162	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	264	Enclosure 5	Gov Ex Parte Statement of Due Diligence - Enc 5	128	secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	264	Enclosure 6	Gov Ex Parte Statement of Due Diligence - Enc 6	3	Unclassified		
AE	264	Enclosure 7	Gov Ex Parte Statement of Due Diligence - Enc 7	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE	264	Enclosure 8	Gov Ex Parte Statement of Due Diligence - Enc 8	3	Unclassified	Reason 7 (government)	stored in the original ROT

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AE 264	Enclosure 9	Gov Ex Parte Statement of Due Diligence - Enc 9	26	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 264	Enclosure 10	Gov Ex Parte Statement of Due Diligence - Enc 10	5	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 264	Spreadsheet 1	Gov Ex Parte Statement of Due Diligence - Spreadsheet 1	6	Secret	Reason 2; Reason 5; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 264	Spreadsheet 2	Gov Ex Parte Statement of Due Diligence - Spreadsheet 2	3	Secret	Reason 2; Reason 5; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 264	Spreadsheet 3	Gov Ex Parte Statement of Due Diligence - Spreadsheet 3	3	Secret	Reason 2; Reason 5; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 264	Spreadsheet 4	Gov Ex Parte Statement of Due Diligence - Spreadsheet 4	1	Unclassified	Reason 7 (government)	stored in the original ROT
AE 264	Spreadsheet 5	Gov Ex Parte Statement of Due Diligence - Spreadsheet 5	6	Secret	Reason 2; Reason 5; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 265		Gov In Camera MRE 505(g)(2) CIA (class), 3 Aug 12	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 265	Enclosure 1	Gov In Camera MRE 505(g)(2) CIA (class) - Enc 1	0	Top Secret	Reason 1; Reason 7 (government)	stored at the CIA
AE 265	Enclosure 2	Gov In Camera MRE 505(g)(2) CIA (class) - Enc 2	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 266		Gov In Camera MRE 505(g)(2) FBI (class), 3 Aug 12	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 266	Enclosure 1	Enc 1	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 266	Enclosure 2	Enc 2	6	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 266	Enclosure 3	Enc 3	35	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 267		Gov In Camera MRE 505(g)(2) NCIX (class), 3 Aug 12	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 267	Enclosure 1	Enc 1	0	Top Secret	Reason 1; Reason 7 (government)	stored at the CIA
AE 267	Enclosure 2	Enc 2	2	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 268		Gov In Camera MRE 505(g)(2) DIA (class), 17 Aug 12	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 268	Enclosure 1	Enc 1	1	Top Secret	Reason 1	stored at the CIA
AE 269		Gov Motion for Court Order for Mental Health Professionals, 16 Aug 12	7	Unclassified		
AE 269	Enclosure 1	Coombs Email, 15 Aug 12	7	Unclassified		
AE 269	Enclosure 2	Eichenmuller Email, 14 Aug 12	6	Unclassified		
AE 269	Enclosure 3	DoD 6025.18-R, Health Info Privacy Reg	5	Unclassified		
AE 269	Enclosure 4	Medical Records	46	Unclassified	Reason 4	stored in the original ROT
AE 269	Enclosure 5	Prop Court Order for Mental Health Professional	2	Unclassified		
AE 270		Gov Notification to Def of Statements under RCM 914, 3 Aug 12	2	Unclassified		
AE 271		Gov Notice to the Court in Resp to AE 147, 25 Jul 12	1	Unclassified		
AE 272		Gov Notification to the Court in Resp to AE 147	1	Unclassified		

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AE 273		Ruling: Def Motion to Compel Discovery #2, 22 Jun 12	7	Unclassified		
AE 274		Ruling: FBI Impact Statement - MRE 505(g)(2) Substitution, 19 Jul 12	2	Unclassified		
AE 275		Court Member Supplemental Questionnaire	8	Unclassified		
AE 276		Wire Diagram of Quantico CoC	1	Unclassified		
AE 277		Def Email to the Court in re Gov Filing Req for Court Order, 20 Aug 12	4	Unclassified		
AE 278		Gov Motion to Pre Admit (Computer Records) (class), 3 Aug 12	9	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 278	Enclosure 1	Forensic Report MANNING SIP .22 (with record as AE 178, Encl 1)	1	Secret		Entered as Appellate Exhibit 178, Encl 1
AE 278	Enclosure 2	Forensic Report MANNING SIP .40 (with record as AE 178, Encl 2)	1	Secret		Entered as Appellate Exhibit 178, Encl 2
AE 278	Enclosure 3	Enc 3	15	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 278	Enclosure 4	OGA Docs FR, (with record as AE 178, Encl 4)	1	Secret		Entered as Appellate Exhibit 178, Encl 4
AE 278	Enclosure 5	Enc 5 (same CD as Encl 6)	2	Unclassified		
AE 278	Enclosure 6	Enc 6 (same CD as Encl 5)	2	Unclassified		
AE 278	Enclosure 7	OSC Logs (bmanning & bradass87) with attestation, (admitted as PE 141)	2	Confidential		Entered as Prosecution Exhibit 141
AE 278	Enclosure 8	Intelink .22 and .40 Logs w/attestation, (admitted as PE 61)	1	Secret		Entered as Prosecution Exhibit 61
AE 278	Enclosure 9	Intelink Passport Account Info w/ attestation	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 279		Quantico Emails Originally Disclosed (CD)	1	Unclassified		
AE 280		Quantico Emails Disclosed pursuant to Def Reg (CD)	1	Unclassified		
AE 281		Quantico Emails provided to Court for in camera review (CD)	1	Unclassified	Reason 7 (government)	stored in the original ROT
AE 282		Ruling: Gov Motion to Admit Evidence, 29 Aug 12	2	Unclassified		
AE 283		Ruling: Def Motion to Close Court to Litigate MRE 404b Evidence, 29 Aug 12	2	Unclassified		
AE 284		Ruling: Gov Motion for MRE 505(g)(2) Redactions - CIA WL Task Force Report on Discrete Matter, 30 Aug 12	2	Unclassified		
AE 285		Ruling: Gov Motion for MRE 505(g)(2) Redactions - DIA Records, 30 Aug 12	2	Unclassified		
AE 286		Order: Scheduling, 30 Aug 12	5	Unclassified		
AE 287		Ruling: Gov Motion MRE 404b Admissibility, 30 Aug 12	6	Unclassified		

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AE	288		Ruling: Gov and Def Motions for Judicial Notice, 30 Aug 12	4	Unclassified		
AE	289		Order (Mental Health Professional) (Deherrera), 30 Aug 12	1	Unclassified		
AE	290		Order (Mental Health Professional) (Resweber), 30 Aug 12	1	Unclassified		
AE	291		Order (Mental Health Professional) (Gretsch), 30 Aug 12	1	Unclassified		
AE	292		Order (Mental Health Professional) (Critchfield), 30 Aug 12	1	Unclassified		
AE	293		Order (Mental Health Professional) (Leibman), 30 Aug 12	1	Unclassified		
AE	294		Order (Mental Health Professional) (Worsley), 30 Aug 12	1	Unclassified		
AE	295		Order (Mental Health Professional) (Hutcheson Tipton), 30 Aug 12	1	Unclassified		
AE	296		Order (Mental Health Professional) (Weber), 30 Aug 12	1	Unclassified		
AE	297		Order (Mental Health Professional) (Richardson), 30 Aug 12	1	Unclassified		
AE	298		Order (Mental Health Professional) (Malone), 30 Aug 12	1	Unclassified		
AE	299		Order (Mental Health Professional) (Hocter), 30 Aug 12	1	Unclassified		
AE	300		Order (Mental Health Professional) (Russell), 30 Aug 12	1	Unclassified		
AE	301		Gov Motion for Redactions under MRE S05(g)(2) and RCM 701(g)(2), 14 Sep 12	6	Unclassified	Reason 7 (government)	stored in the original ROT
AE	301	Enclosure 1	Enc 1 - Department Documents w/ PII Redactions	1	Secret (Special Handling)	Reason 1; Reason 7 (government)	stored at the CIA
AE	301	Enclosure 2	Enc 2 - Captioned Department Documents w/ Redactions	1	Secret (Special Handling)	Reason 1; Reason 7 (government)	stored at the CIA
AE	301	Enclosure 3	Enc 3 - DoS Memo (Kozak)	3	Unclassified	Reason 7 (government)	stored in the original ROT
AE	301	Enclosure 4	Enc 4 - DoS Memo (Heinemann)	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE	301	Enclosure 5	Enc 5 - MFR -- Timing and Length of Group Meetings	4	Unclassified		
AE	302		Ruling: Gov Motion for Redactions/Substitutions for DHS, CIA and DoS, 28 Sep 12	2	Unclassified		

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AE	303		Def Resp to Gov Motion for Redactions/Substitutions of FBI, CIA, DHS and DoS Records under MRE S05(g)(2), 19 Sep 12	4	Unclassified		
AE	304		Supp to Gov Art 13 Wit List, 4 Sep 12	1	Unclassified		
AE	305		Def Excerpt of Finkel Book (The Good Soldiers)	14	Unclassified		
AE	306		Gov Resp to Def Supp to Art 13 Motion, 7 Sep 12	5	Unclassified		
AE	307		Order (Mental Health Professional) (Moore), 11 Sep 12	1	Unclassified		
AE	308		Order (Mental Health Professional) (Deherrera), 11 Sep 12	1	Unclassified		
AE	309		Order (Mental Health Professional) (Resweber), 11 Sep 12	1	Unclassified		
AE	310		Order (Mental Health Professional) (Gretsch), 11 Sep 12	1	Unclassified		
AE	311		Order (Mental Health Professional) (Critchfield), 11 Sep 12	1	Unclassified		
AE	312		Order (Mental Health Professional) (Leibman), 11 Sep 12	1	Unclassified		
AE	313		Order (Mental Health Professional) (Worsley), 11 Sep 12	1	Unclassified		
AE	314		Order (Mental Health Professional) (Colbert), 11 Sep 12	1	Unclassified		
AE	315		Order (Mental Health Professional) (Hutcheson Tipton), 11 Sep 12	1	Unclassified		
AE	316		Def Supp to Motion for Judicial Notice/Admission of Public Statements, 13 Sep 12	10	Unclassified		
AE	316	Attachment A	Morrell Statement	4	Unclassified		
AE	316	Attachment B	Remarks by President Obama	7	Unclassified		
AE	316	Attachment C	Senator Levin Letter and SECDEF Gates Resp	5	Unclassified		
AE	316	Attachment D	Gates and Mullen Remarks	10	Unclassified		
AE	316	Attachment E	Clinton Remarks Re Diplomacy	9	Unclassified		
AE	316	Attachment F	Additional Clinton Remarks Re Cables and Diplomacy	8	Unclassified		
AE	316	Attachment G	Biden Remarks	5	Unclassified		
AE	316	Attachment H	Judiciary Committee re WikiLeaks and Espionage Act	7	Unclassified		
AE	317		Ruling: Def Motion to Compel #3, 14 Sep 12	2	Unclassified		
AE	318		Gov Notification to the Court for ODNI Files, 14 Sep 12	1	Unclassified		

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AE 319		Gov Disclosure to the Def, 14 Sep 12	1	Unclassified		
AE 319	Enclosure 1	Gov Motion for Summary of CIA Information under MRE 505(g)(2) [unclass/redacted], 14 Sep 12	4	Unclassified		
AE 320		Gov Motion For Redaction of DHS Material under RCM 701(g)(2) (Redacted), 14 Sep 12	2	Unclassified		
AE 321		Gov Motion for Redaction of DHS Material under RCM 701(g)(2), 14 Sep 12	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE 321	Enclosure 1	WikiLeaks Task Force Form	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE 322		Gov Motion for Summary of CIA Information under MRE 505(g)(2) (class), 14 Sep 12	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 322	Enclosure 1	Enc 1 - SEALED	0	Top Secret	Reason 1; Reason 7 (government)	stored at the CIA
AE 322	Enclosure 2	Enc 2 - SEALED	2	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 322	Enclosure 3	Enc 3 - SEALED	12	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 323		Gov Motion for Summary of CIA Information under MRE 505(g)(2), 14 Sep 12	4	Unclassified		
AE 324		Supp to Gov Motion for Redactions of FBI File under MRE 505(g)(2), 14 Sep 12	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE 324	Enclosure 1	List of Redactions and Justifications ("SECRET//NOFORN") submitted ex parte	76	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 324	Enclosure 2	Disk of FBI files for Court Review (submitted ex parte)	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 325		Gov Notification to the Court for Quantico Emails, 18 Sep 12	1	Unclassified		
AE 326		Def Motion to Dismiss for Lack of Speedy Trial, 19 Sep 12	117	Unclassified		
AE 326	Attachment 1	Def Chronology	9	Unclassified		
AE 326	Attachment 2	Confinement Order	2	Unclassified		
AE 326	Attachment 3	Memo for IO 6 Jul 10	3	Unclassified		
AE 326	Attachment 4	Memo for IO 11 Jul 10	2	Unclassified		
AE 326	Attachment 5	Req for Sanity Board	4	Unclassified		
AE 326	Attachment 6	Memo for IO 12 Jul 10	3	Unclassified		
AE 326	Attachment 7	Renewed Req for Sanity Board	4	Unclassified		
AE 326	Attachment 8	Memo for IO 8 Aug 10	3	Unclassified		
AE 326	Attachment 9	Memo for Delay for Sanity Board	2	Unclassified		
AE 326	Attachment 10	Memo for MDW CDR 25 Aug 10	4	Unclassified		
AE 326	Attachment 11	Sanity Board Delay Approval 25 Aug 10	2	Unclassified		
AE 326	Attachment 12	Req for Sanity Board Delay 26 Aug 10	3	Unclassified		

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AE	326	Attachment 13	Req for Security Clearances, 3 Sep 10	2	Unclassified		
AE	326	Attachment 14	Memo Re Preliminary Classification Review 22 Sep 10	3	Unclassified		
AE	326	Attachment 15	Resp to Preliminary Classification Review Memo 28 Sep 10	3	Unclassified		
AE	326	Attachment 16	Delay MFR 12 Oct 10	3	Unclassified		
AE	326	Attachment 17	Delay MFR 10 Nov 10	2	Unclassified		
AE	326	Attachment 18	Preliminary Class Review 13 Dec 10	2	Unclassified		
AE	326	Attachment 19	Delay MFR 17 Dec 10	2	Unclassified		
AE	326	Attachment 20	Req for Speedy Trial 13 Jan 11	2	Unclassified		
AE	326	Attachment 21	Delay MFR 14 Jan 11	2	Unclassified		
AE	326	Attachment 22	Order to Resume Sanity Board	7	Unclassified		
AE	326	Attachment 23	Delay MFR 15 Feb 11	2	Unclassified		
AE	326	Attachment 24	Req for Extension of Sanity Board 14 Mar 11	2	Unclassified		
AE	326	Attachment 25	Grant of Extension of Sanity Board 18 Mar 11	2	Unclassified		
AE	326	Attachment 26	Delay MFR 18 Mar 11	3	Unclassified		
AE	326	Attachment 27	Req for Extension of Sanity Board 15 Apr 11 and Approval	3	Unclassified		
AE	326	Attachment 28	Sanity Board Evaluation 22 Apr 11	4	Unclassified		
AE	326	Attachment 29	Delay MFR 22 Apr 11	3	Unclassified		
AE	326	Attachment 30	Req for Art 32 Delay 25 Apr 11	2	Unclassified		
AE	326	Attachment 31	Def Memo Re Req for Art 32 Delay 26 Apr 11	3	Unclassified		
AE	326	Attachment 32	Delay MFR 12 May 11	2	Unclassified		
AE	326	Attachment 33	Req for Art 32 Delay 23 May 11	2	Unclassified		
AE	326	Attachment 34	Email 24 May 11	3	Unclassified		
AE	326	Attachment 35	Delay MFR 17 Jun 11	2	Unclassified		
AE	326	Attachment 36	Req for Art 32 Delay 27 Jun 11	3	Unclassified		
AE	326	Attachment 37	Emails 29 Jun 11	3	Unclassified		
AE	326	Attachment 38	Delay of Art 32 Memo 5 Jul 11	2	Unclassified		
AE	326	Attachment 39	Req for Art 32 Delay 25 Jul 11	3	Unclassified		
AE	326	Attachment 40	Def Memo re Req for Art 32 Delay 25 Jul 11	2	Unclassified		
AE	326	Attachment 41	Art 32 Delay Memo 26 Jul 11	2	Unclassified		
AE	326	Attachment 42	Delay MFR 10 Aug 11	2	Unclassified		
AE	326	Attachment 43	Req for Art 32 Delay 25 Aug 11	3	Unclassified		
AE	326	Attachment 44	44 Emails 27 Aug 11	3	Unclassified		
AE	326	Attachment 45	Art 32 Delay Memo 29 Aug 11	2	Unclassified		
AE	326	Attachment 46	Art 32 Delay Req 26 Sep 11	3	Unclassified		
AE	326	Attachment 47	Emails 27 Sep 11	4	Unclassified		
AE	326	Attachment 48	Art 32 Delay Memo 28 Sep 11	2	Unclassified		
AE	326	Attachment 49	Delay MFR 14 Oct 11	2	Unclassified		

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AE	326	Attachment 50	Req for Art 32 Delay 25 Oct 11	4	Unclassified		
AE	326	Attachment 51	Emails 25 Oct 11	3	Unclassified		
AE	326	Attachment 52	Art 32 Delay Memo 27 Oct 11	2	Unclassified		
AE	326	Attachment 53	Delay MFR 16 Nov 11	2	Unclassified		
AE	326	Attachment 54	Req to Restart Art 32 16 Nov 11	3	Unclassified		
AE	326	Attachment 55	Emails 16 Nov 11	4	Unclassified		
AE	326	Attachment 56	Delay MFR 16 Nov 11	2	Unclassified		
AE	326	Attachment 57	Instructions for Art 32	4	Unclassified		
AE	326	Attachment 58	Emails 4 Jan 12	2	Unclassified		
AE	326	Attachment 59	IO Chronology	5	Unclassified		
AE	326	Attachment 60	Delay MFR 3 Jan 12	2	Unclassified		
AE	326	Attachment 61	Emails 27 Feb 12	4	Unclassified		
AE	326	Attachment 62	Emails 26 Jul 12	2	Unclassified		
AE	326	Attachment 63	Emails 27 Jul 12 0054	3	Unclassified		
AE	326	Attachment 64	Emails 27 Jul 12 1235	2	Unclassified		
AE	326	Attachment 65	Emails 27 Jul 12 Re Art 13 Emails 0822	3	Unclassified		
AE	326	Attachment 66	Emails 27 Jul 12 0847	3	Unclassified		
AE	326	Attachment 67	Emails 14 Sep 12	2	Unclassified		
AE	326	Attachment 68	Def Discovery Req 9 Jul 12	2	Unclassified		
AE	326	Attachment 69	Resp to Def Discovery Req 13 Sep 12	2	Unclassified		
AE	326	Attachment 70	Email 14 Sep 12 2041	2	Unclassified		
AE	327		Gov Resp to Def Supp to Motion for Judicial Notice/Admission of Public Statements, 27 Sep 12	7	Unclassified		
AE	328		Gov Notice to the Court (Questionnaires), 21 Sep 12	2	Unclassified		
AE	329		Def Additional Req Wit: Art 13 Motion, 26 Sep 12	1	Unclassified		
AE	330		Gov Disclosure to the Def: Speedy Trial Chronology, 26 Sep 12	1	Unclassified		
AE	330	Enclosure	Gov Chronology	231	Unclassified		
AE	331		Def Req for the Court to Order the Gov to Disclose Due Diligence Filing, 27 Sep 12	3	Unclassified		
AE	332		Gov Notification to the Court: Mental Health, 28 Sep 12	1	Unclassified		
AE	333		Gov Resp to Def Req for Gov to Disclose Due Diligence Filing, 2 Oct 12	4	Unclassified		
AE	333	Enclosure 1	Email Chain, 27 Sep 12	4	Unclassified		
AE	333	Enclosure 2	Text-Searchable Gov Speedy Trial Chronology	232	Unclassified		
AE	334		Def Updated Req Wit: Speedy Trial Motion, 2 Oct 12	4	Unclassified		
AE	335		Gov Ex Parte Notice of Brady Review (class), 5 Oct 12	1	Secret	Reason 2, Reason 7 (government)	stored in the classified supplement to the original ROT

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AE 336		Gov Wit List: Speedy Trial Response, 9 Oct 12	1	Unclassified		
AE 337		Gov Resp to Def Wit Req: Speedy Trial Motion, 9 Oct 12	4	Unclassified		
AE 338		Def Motion to Compel Production of Wit for Speedy Trial Motion, 11 Oct 12	10	Unclassified		
AE 339		Gov Resp to Def Motion to Dismiss for Lack of Speedy Trial, Corrected Copy #2, 16 Nov 12	81	Unclassified		
AE 339	Enclosure 1	1371 Emails in Date Order	1563	Unclassified		
AE 339	Enclosure 1 (portion sealed)	Email Att	6	Unclassified	Reason 6	stored in the original ROT
AE 339	Enclosure 2	class Emails	274	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 339	Enclosure 3	Testimony of Troy Bettencourt	3	Unclassified		
AE 339	Enclosure 4	13 Jun 10 Adrian Lamo Sworn Statement	8	Unclassified	Reason 6	stored in the original ROT
AE 339	Enclosure 5	30 May 10 memo of Military Magistrate's Conclusions	7	Unclassified		
AE 339	Enclosure 6	Confinement order	4	Unclassified		
AE 339	Enclosure 7	Charge Sheet, AE 28	10	Unclassified		
AE 339	Enclosure 8	10 Jun 10 CID Report of Investigation	4	Unclassified	Reason 6	stored in the original ROT
AE 339	Enclosure 9	23 Jun 10 CID Report of Investigation (Final)	6	Unclassified	Reason 6	stored in the original ROT
AE 339	Enclosure 10	20 November 10 Art 10 memo	3	Unclassified		
AE 339	Enclosure 11	Multiple Memoranda Regarding Art 32 Delay	24	Unclassified		
AE 339	Enclosure 12	Multiple Memoranda Regarding Art 32 Signed by COLs Miller and Coffman	12	Unclassified		
AE 339	Enclosure 13	28 July 10 memo Regarding Transfer of Accused	2	Unclassified		
AE 339	Enclosure 14	Receipt for Inmate or Detained Person	2	Unclassified		
AE 339	Enclosure 15	28 July 10 Orders for Accused	3	Unclassified		
AE 339	Enclosure 16	2 Aug 10 memo Releasing Jurisdiction	2	Unclassified		
AE 339	Enclosure 17	15 Aug 11 memo Reqing FBI Case File	2	Unclassified		
AE 339	Enclosure 18	Discovery Log by Date, Method, and Bates Number	8	Unclassified		
AE 339	Enclosure 19	3 Jun 11 memo Regarding Assumption of Command	2	Unclassified		
AE 339	Enclosure 20	Memoranda Reqing Classification Reviews	58	Unclassified		
AE 339	Enclosure 21	Req for Classification Reviews (Reason 3)	8	Confidential	Reason 3	stored in the classified supplement to the original ROT
AE 339	Enclosure 22	26 Aug 10 Req for RCM 706 Board Delay	3	Unclassified		

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AE 339	Enclosure 23	Multiple Memoranda Requiring Permission to Disclose class Information to the Accused	48	Unclassified		
AE 339	Enclosure 24	Req for Approval of Disclosure (Reason 3)	21	Confidential	Reason 3	stored in the classified supplement to the original ROT
AE 339	Enclosure 25	Multiple Memoranda Regarding Disclosure of class Information to the Accused	6	Unclassified		
AE 339	Enclosure 26	1 Page and 4 CDs of Forensic Reports (class)	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 339	Enclosure 27	12 Aug 10 memo Regarding Delay of Art 32 Investigation Signed by LTC Almanza	2	Unclassified		
AE 339	Enclosure 28	Multiple Memoranda Regarding the Accounting of Excludable Delay	19	Unclassified		
AE 339	Enclosure 29	3 Feb 11 Order to Resume Conducting Sanity Board	7	Unclassified		
AE 339	Enclosure 30	Two Memoranda by Michael Sweda	3	Unclassified		
AE 339	Enclosure 31	18 Mar and 15 April 11 Memoranda Regarding Extension Req for RCM 706 Board	3	Unclassified		
AE 339	Enclosure 32	22 April 11 Sanity Board Evaluation memo	4	Unclassified	Reason 4	stored in the original ROT
AE 339	Enclosure 33	22 Oct 10 memo Regarding Events Surrounding RCM 706 Board Appointment	4	Unclassified		
AE 339	Enclosure 34	3 Aug 10 Order for Sanity Board	5	Unclassified		
AE 339	Enclosure 35	25 Aug 10 Req for Psychiatry Expert Appointment	3	Unclassified		
AE 339	Enclosure 36	2 Sept 10 Req for Appropriate Security Clearances	2	Unclassified		
AE 339	Enclosure 37	17 Sept 10 Prot Order for class Information	6	Unclassified		
AE 339	Enclosure 38	28 July 10 Prot Order	7	Unclassified		
AE 339	Enclosure 39	17 Sept 10 Appointment of Def Security Expert Consultant	2	Unclassified		
AE 339	Enclosure 40	17 September 10 Preliminary Classification Review of Accused's Mental Impressions	2	Unclassified		
AE 339	Enclosure 41	28 September 10 Preliminary Classification Review of the Accused's Mental Condition	3	Unclassified		
AE 339	Enclosure 42	22 Sept 10 Preliminary Classification Review of the Accused's Mental Impressions	3	Unclassified		

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AE	339	Enclosure 43	12 Oct 10 Appointment of Additional Def Security Expert Consultant	2	Unclassified		
AE	339	Enclosure 44	25 Oct 11 memo Regarding Presentation of Gov's Case	4	Unclassified		
AE	339	Enclosure 45	12 - 21 Oct 10 Emails between the Gov and Def	11	Unclassified		
AE	339	Enclosure 46	28 Oct 10 Information Assurance Expert Appointment Req	3	Unclassified		
AE	339	Enclosure 47	1 Nov 10 Def Email Regarding PCR Information	2	Unclassified		
AE	339	Enclosure 48	10 Nov 10 Suppal Guidance for Preliminary Classification Review of Accused's Mental Condition	3	Unclassified		
AE	339	Enclosure 49	13 Dec 10 Security Experts' memo	2	Unclassified		
AE	339	Enclosure 50	Two 13 Jan 11 Req to Provide DOD Personnel with Access to class Information	5	Unclassified		
AE	339	Enclosure 51	15 Dec 11 Declaration by John Hackett	11	Unclassified		
AE	339	Enclosure 52	Multiple Preservation Req (Internal to the Army)	9	Unclassified		
AE	339	Enclosure 53	Multiple Preservation Req (External to the Army)	44	Unclassified		
AE	339	Enclosure 54	Prudential Search Req (Reason 3)	4	Confidential	Reason 3	stored in the classified supplement to the original ROT
AE	339	Enclosure 55	OGA Classification Review (ManningB_0040623) (class)	12	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	339	Enclosure 56	Req to View Damage Assessments Gov Ex Parte Statement of Due Diligence (class)	15	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	339	Enclosure 57	OPLAN Bravo	36	Secret	Reason 2; Reason 5	stored in the classified supplement to the original ROT
AE	339	Enclosure 58	Unclass IO Report	45	Unclassified	Reason 6	stored in the original ROT
AE	339	Enclosure 59		53	Unclassified		
AE	339	Enclosure 60	11 Jan 12 Excludable Delay memo	2	Unclassified		
AE	339	Enclosure 61	16 Nov 11 Special Instructions for Art 32 Investigation	4	Unclassified		
AE	339	Enclosure 62	May 2010 - Feb 2012 Calendar Pages Showing Stipulated Dates	7	Unclassified		
AE	339	Enclosure 63	3 Feb 12 MFR: Receipt of Charges	2	Unclassified		
AE	339	Enclosure 64	Multiple Memoranda Regarding Accused's Confinement	10	Unclassified		
AE	339	Enclosure 65	20 Jan 10 Req for Confinement Status Documents	2	Unclassified		
AE	339	Enclosure 66	Multiple Memoranda Regarding Accused's Confinement and 21 Jan 11 Resp	12	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	339	Enclosure 67	18 Mar 11 Review of Pretrial Confinement and Annotated Charge Sheet, AE 28	13	Unclassified		
AE	339	Enclosure 68	Multiple Def Discovery Req	33	Unclassified		
AE	339	Enclosure 69	Multiple Resp to Def Discovery Req	85	Unclassified		
AE	339	Enclosure 70	25 Oct 11 Letter to the Department of Homeland Security	4	Unclassified		
AE	339	Enclosure 71	26 Jan 12 Req for Additional Funding	2	Unclassified		
AE	339	Enclosure 72	Gov Request for Prot Order for CID Regulation, 10 Oct 12	3	Unclassified		
AE	339	Enclosure 72 Enclosure 1	Enc 1	2	Unclassified		
AE	339	Enclosure 72 Enclosure 2	Enc 2	1	Unclassified		
AE	339	Enclosure 72 Enclosure 2 (Sealed)	CID Regulation	18	Unclassified	Reason 6	stored in the original ROT
AE	339	Enclosure 73	3 July 12 Req to Search and Preserve Records	4	Unclassified		
AE	339	Enclosure 74	Multiple Req to Compel Discovery	32	Unclassified		
AE	339	Enclosure 75	Combined Chat Logs (class)	48	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	339	Enclosure 76	16 Oct 11 Def Ack	3	Unclassified		
AE	339	Enclosure 77	RCM 706 Emails	203	Unclassified		
AE	339	Enclosure 78	COL Coffman Emails	77	Unclassified		
AE	339	Enclosure 79	Art 32 Emails	209	Unclassified		
AE	339	Enclosure 80	Additional Documents for COL Coffman's Testimony	55	Unclassified		
AE	339	Enclosure 81	Def Emails	2446	Unclassified		
AE	340		Ruling: Gov Motion for Prot Order - CID Reg, 12 Oct 12	1	Unclassified		
AE	341		Prot Order: CIDR 195-1, Chapter 8-2, 12 Oct 12	1	Unclassified		
AE	342		Def Notice of Plea, Forum, and Expected Motions, 15 Oct 12	4	Unclassified		
AE	343		Updated Gov Wit List with Explanations, 15 Oct 12	14	Unclassified		
AE	344		Def Wit List, 15 Oct 12	23	Unclassified		
AE	345		Gov Disclosure of RCM 914 Material, 15 Oct 12	1	Unclassified		
AE	346		Gov Disclosure of Giglio Material, 15 Oct 12	10	Unclassified		
AE	347		Gov Ex Parte Notice to the Court of Intent to File under MRE 505(i) (class), 15 Oct 12	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	348		Class Supp to Gov Wit List, 15 Oct 12	1	Secret	Reason 2	stored in the classified supplement to the original ROT

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AE	349		Gov Notice and Disclosure to Def, 17 Oct 12	1	Unclassified		
AE	350		Gov Disclosure to the Def: Speedy Trial Chronology, 16 Oct 12	20	Unclassified		
AE	351		Gov Resp to Def Req for Additional Wit: Art 13, 16 Oct 12	1	Unclassified		
AE	352		Gov Notice to the Court (DoS Files), 16 Oct 12	1	Unclassified		
AE	353		Gov Ex Parte Filing, 18 Oct 12	1	Unclassified	Reason 7 (government)	stored in the original ROT
AE	353	Enclosure 1	Ex Parte Enc	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	354		Def Repl to Gov Resp to Def Speedy Trial Motion, 17 Oct 12	50	Unclassified		
AE	354	Attachment 1	Emails between Coombs and Fein, starting at 13 Jan 11	2	Unclassified		
AE	354	Attachment 2	Emails between Coombs and Fein, starting at 18 Dec 10	23	Unclassified		
AE	355		Ruling: Gov In Camera/Ex Parte Motions for Redactions/Substitutions of FBI and DoS Records, 18 Oct 12	2	Unclassified		
AE	356		Ruling: Def Motion for Judicial Notice-Finkel Book and Public Statements, 18 Oct 12	13	Unclassified		
AE	357		Requirements for Def Notice Under MRE 505(h)(3), 18 Oct 12	4	Unclassified		
AE	358		Scheduling Order (Court Calendar), 18 Oct 12	4	Unclassified		
AE	359		Gov Motion for Leave to Provide Plan for Maintaining Appellate Exhibits, 25 Oct 12	1	Unclassified		
AE	359	Enclosure	Court Email, 5 Oct 12	3	Unclassified		
AE	360		Def Revised Notice of Plea and Forum, 23 Oct 12	8	Unclassified		
AE	361		Def Calculation of Maximum Punishment, 25 Oct 12	3	Unclassified		
AE	362		Ruling: Gov Req for Leave to Provide Plan for Maintaining Appellate Exhibits, 26 Oct 12	1	Unclassified		
AE	363		Gov Notice to Court of FBI, DoS, and DHS Records, 25 Oct 12	1	Unclassified		
AE	364		Gov Notice to the Court of DoS Files, 22 Oct 12	1	Unclassified		
AE	365		Gov Disclosure to the Def, 26 Oct 12	1	Unclassified		
AE	365		Gov Motion to Redact/Delete Information from Evidence Made Available to Accused (unclas, redacted version), 26 Oct 12	10	Unclassified		
AE	366	Enclosure	Ruling Clarification: LIO Max Punishments, 26 Oct 12	2	Unclassified		

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AE	367		Updated Gov Wit List #2 (class), 26 Oct 12	17	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	368		Gov Motion to Redact/Delete Information from Evidence Made Available to Accused (class), 26 Oct 12	10	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 1	Enc 1	9	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 2	Enc 2	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 3	Enc 3	27	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 4	Enc 4	17	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 5	Enc 5	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 6	Enc 6	7	Confidential	Reason 3; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 7	Enc 7	27	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	368	Enclosure 8	Enc 8	17	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	368	Enclosure 9	Discovery Letter, 3 Aug 12	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 10	Enc 10	4	Confidential	Reason 3; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 11	Enc 11	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 12	Enc 12	21	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 13	Excerpt from EnCase User Manual	4	Unclassified		
AE	368	Enclosure 14	Email to Def and Transmittal Records	5	Unclassified		
AE	368	Enclosure 15	Enc 15	10	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	368	Enclosure 16	Enc 16	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	369		Stip - Speedy Trial Chronology, 26 Oct 12	12	Unclassified		
AE	370		Def OCA Interrogatories, 26 Oct 12	10	Unclassified		
AE	371		Def Interrogatories for Gov Counsel, 26 Oct 12	29	Unclassified		
AE	372		Def SOS(h) Notice, 26 Oct 12	3	Unclassified		
AE	373		Gov Req for Leave to Notify Court of Response to OCA Interrogatories, 31 Oct 12	1	Unclassified		
AE	374		Ruling: Gov Req for Leave to Notify Court of Response to OCA Interrogatories, 1 Nov 12	1	Unclassified		
AE	375		Def Resp to the Court's Ruling on 26 Oct 12, 5 Nov 12	10	Unclassified		
AE	376a		Gov Documents submitted for Speedy Trial (Unsealed Portion)	242	Unclassified		
AE	376a	Sealed Portion	Gov Documents submitted for Speedy Trial (Sealed Portion)	35	Unclassified		
AE	376b		Def Documents submitted for Speedy Trial	44	Unclassified		
AE	377		Gov Notice to the Court of Completion of NCIX Damage Assessment, 6 Nov 12	1	Unclassified		
AE	377	Enclosure	Letter from ODNJ, 6 Nov 12	1	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	378		Gov Notification to the Court of DHS Files, 26 Oct 12	1	Unclassified		
AE	379		Gov Req for Leave until 8 Nov 12 to Notify Court Regarding OCA Interrogatories, 7 Nov 12	1	Unclassified		
AE	380		Charge Sheets, AE 28s	18	Unclassified		
AE	381		Additional Prot Order for Class Information, 8 Nov 12	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	382		Additional Prot Order for Class Information (unclass, redacted), 8 Nov 12	2	Unclassified		
AE	383		Stipulated Speedy Trial Chronology, 8 Nov 12	13	Unclassified		
AE	384		Def OCA Interrogatories	10	Unclassified		
AE	385		Scheduling Order, 8 Nov 12	4	Unclassified		
AE	386		Ruling: Gov Motion to Redact Class Evidence from Evidence Available to the Accused, 8 Nov 12	2	Unclassified		
AE	387		Def Wit List for Sentencing in Event of a Sentencing Case Only, 12 Nov 12	7	Unclassified		
AE	388		Gov Req for Leave to File Gov Motion to Compel, 14 Nov 12	1	Unclassified		
AE	388	Enclosure	Three Def Emails, dated 14 and 30 Oct 12	4	Unclassified		
AE	389		Ruling: Gov Req for Leave to File Motion to Compel Discovery, 19 Nov 12	1	Unclassified		
AE	390		Def Motion for Judicial Notice of HR 553 and Congressional Hearings Discussing Classification, 16 Nov 12	6	Unclassified		
AE	390	Attachment A	HR 553 Bill Overview and Official Summary	6	Unclassified		
AE	390	Attachment B	HR 553	7	Unclassified		
AE	390	Attachment C	Transcripts of House Committee Meetings on the Espionage Act	17	Unclassified		
AE	390	Attachment D	Transcripts of House Committee Meetings on Over-Classification	118	Unclassified		
AE	391		Gov Resp to Court's Clarification of Ruling On LIO Max Punishments, 16 Nov 12	12	Unclassified		
AE	392		Gov Notification to the Court of its Position on a Conditional Plea, 16 Nov 12	1	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
AE	393		Def Resp to Gov Notification to the Court of Its Position on a Conditional Plea, 17 Nov 12	2	Unclassified		
AE	394		Gov Motion in Limine to Exclude Motive Evidence, 16 Nov 12	4	Unclassified		
AE	395		Gov Motion for Reconsideration of Court's Finding in AE 68, 16 Nov 12	3	Unclassified		
AE	396		Def Resp to Gov Motion for Reconsideration of the Court's Findings in AE 68, 17 Nov 12	2	Unclassified		
AE	397		Def Motion for Judicial Notice of DoS, ONCIX, and IRTF Damage Assessments, 16 Nov 12	5	Unclassified		
AE	398		Gov Motion to Take Judicial Notice, 16 Nov 12	8	Unclassified		
AE	398	Enclosures 1-20	Encls 1-20	1	Unclassified		
AE	399		Gov Req for Leave to File Gov Resp to Def Interrogatories, 16 Nov 12	1	Unclassified		
AE	400		Def Resp to Gov Req for Leave to File Gov Resp to Def Interrogatories, 17 Nov 12	2	Unclassified		
AE	401		Gov Repl to AE 400 (redacted), 19 Nov 12	2	Unclassified		
AE	402		Gov Repl to AE 400 (class), 19 Nov 12	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	403		Gov Resp to Def Wit List, 16 Nov 12	4	Unclassified		
AE	404		Def Notice Re: Potential Motion to Compel, 17 Nov 12	1	Unclassified		
AE	405		Court Order for Mental Health Professionals, 19 Nov 12	1	Unclassified		
AE	406		Gov Resp to Def Interrogatories for Speedy Trial (redacted), 19 Nov 12	81	Unclassified		
AE	407		Gov Resp to Def Interrogatories for Speedy Trial, 19 Nov 12	81	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	408		Def Motion to Compel Wit for Merits/Sentencing, 23 Nov 12	11	Unclassified		
AE	409		Ruling: Gov Req for Leave to File Resp to Def Interrogatories, 20 Nov 12	1	Unclassified		
AE	410a		Draft Instructions, 26 Nov 12	15	Unclassified		
AE	410b		Amended Draft Instructions, 10 Apr 13	1	Unclassified		
AE	410c		Amendment #3 Draft Instructions, 30 Jul 13	1	Unclassified		

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AE 411		Photograph of Suicide Blanket	1	Unclassified		
AE 412		Photograph of Standard Confinement Pillow	1	Unclassified		
AE 413		Photograph of Standard Confinement Mattress	1	Unclassified		
AE 414		Photograph of Suicide Mattress	1	Unclassified		
AE 415		Photograph of Suicide Smock	1	Unclassified		
AE 416		Photograph of Bed Sheet Noose	1	Unclassified		
AE 417		Photograph of Sand Bag Tie Noose	1	Unclassified		
AE 418a		Wit Documents (Choike)	5	Unclassified		
AE 418b		Wit Documents (Choike)	4	Unclassified		
AE 418c		Wit Documents (Choike)	1	Unclassified		
AE 418d		Wit Documents (Choike)	2	Unclassified		
AE 418e		Wit Documents (Choike)	3	Unclassified		
AE 418f		Wit Documents (Choike)	1	Unclassified		
AE 418g		Wit Documents (Choike)	2	Unclassified		
AE 418h		Wit Documents (Choike)	2	Unclassified		
AE 418i		Wit Documents (Choike)	4	Unclassified		
AE 418j		Wit Documents (Choike)	3	Unclassified		
AE 418k		Wit Documents (Choike)	2	Unclassified		
AE 418l		Wit Documents (Choike)	11	Unclassified		
AE 418m		Wit Documents (Choike)	4	Unclassified		
AE 418n		Wit Documents (Choike)	2	Unclassified		
AE 418o		Wit Documents (Choike)	2	Unclassified		
AE 418p		Wit Documents (Choike)	1	Unclassified		
AE 418q		Wit Documents (Choike)	3	Unclassified		
AE 418r		Wit Documents (Choike)	2	Unclassified		
AE 418s		Wit Documents (Choike)	2	Unclassified		
AE 418t		Wit Documents (Choike)	2	Unclassified		
AE 418u		Wit Documents (Choike)	2	Unclassified		
AE 418v		Wit Documents (Choike)	2	Unclassified		

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AE	418w		Wit Documents (Choi)ke	3	Unclassified		
AE	418x		Wit Documents (Choi)ke	2	Unclassified		
AE	419a		Wit Documents (Oltman)	5	Unclassified		
AE	419b		Wit Documents (Oltman)	2	Unclassified		
AE	419c		Wit Documents (Oltman)	4	Unclassified		
AE	419d		Wit Documents (Oltman)	1	Unclassified		
AE	419e		Wit Documents (Oltman)	3	Unclassified		
AE	419f		Wit Documents (Oltman)	2	Unclassified		
AE	419g		Wit Documents (Oltman)	3	Unclassified		
AE	419h		Wit Documents (Oltman)	2	Unclassified		
AE	419i		Wit Documents (Oltman)	1	Unclassified		
AE	419j		Wit Documents (Oltman)	1	Unclassified		
AE	419k		Wit Documents (Oltman)	4	Unclassified		
AE	420a		Wit Documents (Hocter), 6 Aug 10	1	Unclassified		
AE	420b		Wit Documents (Hocter) - Email, 10 Aug 10	1	Unclassified		
AE	420c		Wit Documents (Hocter)	1	Unclassified		
AE	420d		Wit Documents (Hocter)	1	Unclassified		
AE	420e		Wit Documents (Hocter)	2	Unclassified		
AE	420f		Wit Documents (Hocter)	1	Unclassified		
AE	420g		Wit Documents (Hocter)	1	Unclassified		
AE	420h		Wit Documents (Hocter)	1	Unclassified		
AE	420i		Wit Documents (Hocter)	1	Unclassified		
AE	420j		Wit Documents (Hocter)	1	Unclassified		
AE	420k		Wit Documents (Hocter)	1	Unclassified		
AE	420l		Wit Documents (Hocter)	1	Unclassified		
AE	421		Ruling: Prop Pleas and Max Punishments, 28 Nov 12	2	Unclassified		
AE	422		Gov Notice of Declassification (UBL), 29 Nov 12	1	Unclassified		
AE	423a		Wit Documents (Malone)	1	Unclassified		

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AE	423b		Wit Documents (Malone)	1	Unclassified		
AE	423c		Wit Documents (Malone)	1	Unclassified		
AE	423d		Wit Documents (Malone)	1	Unclassified		
AE	424a		Wit Documents (Hilton), JRTC description	2	Unclassified		
AE	424b		Wit Documents (Hilton), JRTC PP	14	Unclassified		
AE	425		Photographs of Outline of Accused cell	2	Unclassified		
AE	426a		Wit Documents (Manning) DD510s	9	Unclassified		
AE	426b		Wit Documents (Manning) Records of Visits	86	Unclassified		
AE	426c		Wit Documents (Manning) Voluntary Statements	6	Unclassified		
AE	427		Wit Documents (Russell)	2	Unclassified		
AE	428		Wit Documents (Webb)	2	Unclassified		
AE	429		Def Resp to Gov MIL to Exclude Motive Evidence, 30 Nov 12	3	Unclassified		
AE	430		Def Resp to Gov Motion for Judicial Notice (AE 398), 30 Nov 12	3	Unclassified		
AE	431		Gov Resp to Def Motion for Judicial Notice (AE 390), 30 Nov 12	7	Unclassified		
AE	432		Gov Resp to Def Motion for Judicial Notice (AE 397), 30 Nov 12	5	Unclassified		
AE	433		News Stories about Quantic	3	Unclassified		
AE	434		NCAA 2012 Men's Basketball Bracket	1	Unclassified		
AE	435a		Wit Documents (Blenis)	2	Unclassified		
AE	435b		Wit Documents (Blenis)	1	Unclassified		
AE	435c		Wit Documents (Blenis)	4	Unclassified		
AE	435d		Wit Documents (Blenis)	3	Unclassified		
AE	435e		Wit Documents (Blenis)	1	Unclassified		
AE	435f		Wit Documents (Blenis)	1	Unclassified		
AE	435g		Wit Documents (Blenis)	2	Unclassified		
AE	435h		Wit Documents (Blenis)	4	Unclassified		
AE	435i		Wit Documents (Blenis)	2	Unclassified		

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AE	436		Updated Gov Wit List #3 (redacted), 2 Dec 12	17	Unclassified		
AE	437		Updated Gov Wit List #3, 2 Dec 12	17	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	438a		Wit Documents (Papakie)	3	Unclassified		
AE	438b		Wit Documents (Papakie)	1	Unclassified		
AE	438c		Wit Documents (Papakie)	1	Unclassified		
AE	438d		Wit Documents (Papakie)	1	Unclassified		
AE	438e		Wit Documents (Papakie)	3	Unclassified		
AE	438f		Wit Documents (Papakie)	1	Unclassified		
AE	438g		Wit Documents (Papakie)	3	Unclassified		
AE	438h		Wit Documents (Papakie)	4	Unclassified		
AE	439a		Wit Documents (Galaviz)	4	Unclassified		
AE	439b		Wit Documents (Galaviz)	5	Unclassified		
AE	439c		Wit Documents (Galaviz)	2	Unclassified		
AE	439d		Wit Documents (Galaviz)	4	Unclassified		
AE	439e		Wit Documents (Galaviz)	3	Unclassified		
AE	439f		Wit Documents (Galaviz)	1	Unclassified		
AE	439g		Wit Documents (Galaviz)	3	Unclassified		
AE	439h		Wit Documents (Galaviz)	1	Unclassified		
AE	440a		Wit Documents (Averhart)	2	Unclassified		
AE	440b		Wit Documents (Averhart)	2	Unclassified		
AE	440c		Wit Documents (Averhart)	1	Unclassified		
AE	440d		Wit Documents (Averhart)	1	Unclassified		
AE	440e		Wit Documents (Averhart)	1	Unclassified		
AE	440f		Wit Documents (Averhart)	1	Unclassified		
AE	440g		Wit Documents (Averhart)	3	Unclassified		

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AE	440h		Wit Documents (Averhart)	2	Unclassified		
AE	440i		Wit Documents (Averhart)	8	Unclassified		
AE	440j		Wit Documents (Averhart)	1	Unclassified		
AE	440k		Wit Documents (Averhart)	3	Unclassified		
AE	440l		Wit Documents (Averhart)	2	Unclassified		
AE	440m		Wit Documents (Averhart)	5	Unclassified		
AE	440n		Wit Documents (Averhart)	2	Unclassified		
AE	440o		Wit Documents (Averhart)	3	Unclassified		
AE	440p		Wit Documents (Averhart)	2	Unclassified		
AE	441a		Wit Documents (Barnes)	5	Unclassified		
AE	441aa		Wit Documents (Barnes)	1	Unclassified		
AE	441ab		Wit Documents (Barnes)	1	Unclassified		
AE	441b		Wit Documents (Barnes)	5	Unclassified		
AE	441c		Wit Documents (Barnes)	38	Unclassified		
AE	441d		Wit Documents (Barnes)	2	Unclassified		
AE	441e		Wit Documents (Barnes)	2	Unclassified		
AE	441f		Wit Documents (Barnes)	1	Unclassified		
AE	441g		Wit Documents (Barnes)	1	Unclassified		
AE	441h		Wit Documents (Barnes)	1	Unclassified		
AE	441i		Wit Documents (Barnes)	2	Unclassified		
AE	441j		Wit Documents (Barnes)	4	Unclassified		
AE	441k		Wit Documents (Barnes)	1	Unclassified		
AE	441l		Wit Documents (Barnes)	1	Unclassified		
AE	441m		Wit Documents (Barnes)	2	Unclassified		
AE	441n		Wit Documents (Barnes)	2	Unclassified		
AE	441o		Wit Documents (Barnes)	1	Unclassified		
AE	441p		Wit Documents (Barnes)	2	Unclassified		
AE	441q		Wit Documents (Barnes)	1	Unclassified		

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AE	441r		Wit Documents (Barnes)	3	Unclassified		
AE	441s		Wit Documents (Barnes)	2	Unclassified		
AE	441t		Wit Documents (Barnes)	1	Unclassified		
AE	441u		Wit Documents (Barnes)	1	Unclassified		
AE	441v		Wit Documents (Barnes)	2	Unclassified		
AE	441w		Wit Documents (Barnes)	2	Unclassified		
AE	441x		Wit Documents (Barnes)	2	Unclassified		
AE	441y		Wit Documents (Barnes)	6	Unclassified		
AE	441z		Wit Documents (Barnes)	2	Unclassified		
AE	442a		Wit Documents (Zepek)	3	Unclassified		
AE	442b		Wit Documents (Zepek)	5	Unclassified		
AE	442c		Wit Documents (Zepek)	1	Unclassified		
AE	442d		Wit Documents (Zepek)	2	Unclassified		
AE	443		Def Art 13 PP	19	Unclassified		
AE	444		Scheduling Order: 39a Session on Closure, 11 Dec 12	2	Unclassified		
AE	445		Gov Resp to Def Motion to Compel Wit, 12 Dec 12	9	Unclassified		
AE	445	Enclosure 1	NYT Art - Pentagon Sees a Threat From Online Muckrakers	3	Unclassified		
AE	445	Enclosure 2	Emails re: Experts and Supporting Documents	53	Unclassified		
AE	445	Enclosure 3	5 CFR 2635.102	4	Unclassified		
AE	445	Enclosure 4	5 CFR 2635.805	5	Unclassified		
AE	446		Gov Disclosure of Giglio Material, 12 Dec 12	4	Unclassified		
AE	446	Enclosure	Req to Search, Preserve, Disclose Impeachment Material 57th Sig BN, 31 Oct 12	3	Unclassified		
AE	447		Gov Disclosure of RCM 914 Material, 12 Dec 12	1	Unclassified		
AE	448		Gov Resp to Def OCA Interrogatories (unclass redacted), 12 Dec 12	1	Unclassified		
AE	449		Gov Resp to Def OCA Interrogatories (class), 12 Dec 12	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	449	Enclosures 1-4	CENTCOM, INSCOM, DOS, and SOUTHCOM Interrogatories	1	Unclassified		

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AE	449	Enclosure 5	Classified Interrogatory Resp	23	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	450		Def Notice under MRE 505(h), 14 Dec 12	1	Unclassified		
AE	451		Gov MIL to Exclude Overclassification, 14 Dec 12	8	Unclassified		
AE	452		Gov Req for Leave to Submit Storage Plan for Appellate Exhibits, 18 Dec 12	1	Unclassified		
AE	453		Scheduling Order, 20 Dec 12	5	Unclassified		
AE	454		Gov Resp to Def MRE 505(h) Notice on Updated Gov Wit List #2, 21 Dec 12	3	Unclassified		
AE	455		Gov Notice of Inability to Comply with Grunden Order, 21 Dec 12	2	Unclassified		
AE	455	Enclosure	Email from MAJ Fein to COL Lind	1	Unclassified		
AE	456		Def Resp to Gov MIL to Exclude Overclass, 28 Dec 12	7	Unclassified		
AE	457		Def Repl to Gov Resp to Def MRE 505(h) Notice, 4 Jan 13	2	Unclassified		
AE	458		Def Repl to Gov 21 Dec Notice of Inability, 4 Jan 13	3	Unclassified		
AE	459		Def Email and Enc	69	Unclassified		
AE	460		Email from CPT Overgaard to Judge Lind and Enc	39	Unclassified		
AE	461		Ruling: Art 13, UCMJ, 7 Jan 13	26	Unclassified		
AE	462		Excerpt of Army Regulation 27-40	7	Unclassified		
AE	463		Gov Req for Leave to Submit Storage Plan for Appellate Exhibits, 9 Jan 13	1	Unclassified		
AE	464		Def Notice of Plea and Forum, 9 Jan 13	6	Unclassified		
AE	465		Gov Add to Motion to Take Judicial Notice, 9 Jan 13	2	Unclassified		
AE	466		Scheduling Order, 9 Jan 13	4	Unclassified		
AE	467		Supp to Gov Add to Judicial Notice Motion, 11 Jan 13	5	Unclassified		
AE	467	Enclosure 1	NYT Art - A Vision as Haven for Journalists	4	Unclassified		
AE	467	Enclosure 2	Guardian Art - WikiLeaks editor	4	Unclassified		
AE	467	Enclosure 3	Guardian Art - Iceland plans future as global haven for freedom of speech	4	Unclassified		
AE	467	Enclosure 4	BBC News - WikiLeaks and Iceland MPs Prop journalism haven	5	Unclassified		
AE	467	Enclosure 5	BBC News - Iceland's journalism freedom dream prompted by WL	3	Unclassified		
AE	467	Enclosure 6	Select chat logs between the accused and Julian Assange	4	Unclassified		

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AE	467	Enclosure 7	NYT Art - Pentagon Sees a Threat From Online Muckrakers	3	Unclassified		
AE	467	Enclosure 8	New Yorker Art - No Secrets	21	Unclassified		
AE	467	Enclosure 9	Chat logs between the accused and Adrian Lamo (submitted in Encl 75 to AE 339)	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	467	Enclosure 10	LA Times - US scrambles to contain WikiLeaks damage	3	Unclassified		
AE	467	Enclosure 11	The Globe and Mail Art - Canadian spy secrets exposed in WikiLeaks dump	4	Unclassified		
AE	467	Enclosure 12	NYT Art - Leaked Cables Offer Raw Look at US Diplomacy	10	Unclassified		
AE	467	Enclosure 13	Guardian Art - WikiLeaks US embassy cables: live updates	8	Unclassified		
AE	467	Enclosure 14	Washington Post Art - WikiLeaks unveiling of secret State Department cables exposes US diplomacy	5	Unclassified		
AE	467	Enclosure 15	American Forces Press Service Art - Clinton: 'WikiLeaks' Release Attacks International Community	5	Unclassified		
AE	467	Enclosure 16	Department of State - Foreign Terrorist Organizations	5	Unclassified		
AE	467	Enclosure 17	Department of State - The Terrorist Enemy	3	Unclassified		
AE	467	Enclosure 18	Department of State - Press Statement: AQ in AQAP	2	Unclassified		
AE	467	Enclosure 19	FBI 10 Most Wanted Fugitive: UBL	2	Unclassified		
AE	467	Enclosure 20	Department of State - Conference Remarks: AQ after UBL	5	Unclassified		
AE	467	Enclosure 21	DoD - Background Briefing	16	Unclassified		
AE	467	Enclosure 22	FBI 10 Most Wanted Fugitive: Adam Gadahn	2	Unclassified		
AE	467	Enclosure 23	Department of State - Country Reports on Terrorism	35	Unclassified		
AE	467	Enclosure 24	American Forces Press Service Art - UBL Letters Show Desire to Attack US Targets	5	Unclassified		
AE	467	Enclosure 25	Anti-Defamation League - AQ releases first-ever English Terror Magazine	3	Unclassified		
AE	467	Enclosure 26	CNN - AQ launches English language magazine	4	Unclassified		
AE	467	Enclosure 27	United Press International, Inc - AQ launches English-language e-zine	2	Unclassified		
AE	467	Enclosure 28	The Atlantic - AQ's First English Language Magazine is Here	5	Unclassified		

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AE 467	Enclosure 29	Anti-Defamation League - AQ English Magazine Calls for Terror Attacks in the US	4	Unclassified		
AE 468		Def Resp to Gov Supp Add to Motion to Take Judicial Notice, 15 Jan 13	3	Unclassified		
AE 469		Def Notice under MRE S05(h), 14 Jan 13	1	Unclassified		
AE 470		Ruling: Gov Motion to Preclude Motive Evidence, 16 Jan 13	5	Unclassified		
AE 471		Gov Art 13 Argument PowerPoint	45	Unclassified		
AE 472		Ruling: Judicial Notice Motions, 16 Jan 13	7	Unclassified		
AE 473		Ruling: Def Motion to Compel AMB Galbraith, 16 Jan 13	2	Unclassified		
AE 474		Gov Ex Parte Notification, 31 Jan 13	1	Unclassified	Reason 7 (government)	stored in the original ROT
AE 474	Enclosure	MAJ Fein Email, 17 Nov 12	1	Unclassified		
AE 475		Updated Gov Wit List #4 (class), 31 Jan 13	15	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 476		Updated Gov Wit List #4 (redacted), 31 Jan 13	15	Unclassified		
AE 477		Gov Motion for In Camera Proceeding under MRE S05(j)(2) (class), 31 Jan 13	14	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 1	Command Declaration	0	Secret//ACCM	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 1 - Placeholder	Command Declaration	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 2	Wit Protection Reports (unclas)	7	Unclassified		
AE 477	Enclosure 3	Wit Protection Reports (class, ex parte)	12	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 4	SecDef Claim of Privilege (unclas, ex parte)	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE 477	Enclosure 5	Command (OCA) memo (class, ex parte)	0	Secret//ACCM	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 5 - Placeholder	Command (OCA) memo (class, ex parte)	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 6	Command (OCA) memo (unclas, ex parte)	2	Unclassified	Reason 7 (government)	stored in the original ROT
AE 477	Enclosure 7	Acting Director CIA Claim of Privilege (class, ex parte)	8	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 8	CIA Declaration (class, ex parte)	0	Top Secret	Reason 1; Reason 7 (government)	stored at the CIA
AE 477	Enclosure 8 - Placeholder	CIA Declaration (class, ex parte)	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 9	Original and Summarized Wit Info (class, ex parte)	0	Secret//ACCM	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 9 - Placeholder	Original and Summarized Wit Info (class, ex parte)	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT

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AE 477	Enclosure 10	Example of Gov Direct Examination (class, ex parte)	8	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 10 Updated	Example of Gov Direct Examination Updated (class, ex parte)	4	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 11	Example of Def Possible Lines of Cross (class, ex parte)	2	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 12	Medical Records (classified, ex parte)	25	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 477	Enclosure 13	Summary of Medical Records (classified, ex parte)	3	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 478		Gov Motion for In Camera Proceeding under MRE 505(i)(2) (redacted), 31 Jan 13	14	Unclassified		
AE 479		Gov Resp to Scheduling Order: 39a Session on Closure and Motion to Close Courtroom (class), 31 Jan 13	41	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 479	Enclosure 1	Scripts	10	Unclassified		
AE 479	Enclosure 2	Battle Drill Checklists	5	Unclassified		
AE 479	Enclosure 3	"Classified Work in Progress" Sign	2	Unclassified		
AE 480		Gov Resp to Scheduling Order: 39a Session on Closure and Motion to Close Courtroom (redacted), 1 Feb 13	41	Unclassified		
AE 481		Ruling: Gov Motion to Preclude Over-Classification Evidence and Def Motion for Judicial Notice of HR 553, 31 Jan 13	12	Unclassified		
AE 482		Gov Req for Leave to Submit Prop Providence Inquiry Questions, 5 Feb 13	1	Unclassified		
AE 483		Def Resp to Gov Req for Leave (email), 5 Feb 13	2	Unclassified		
AE 484		Ruling: Gov Motion for Leave to Submit Prop Providence Inquiry Questions, 5 Feb 13	1	Unclassified		
AE 485		Def Resp to Gov Motion for In Camera Proceeding under MRE 505(i)(2) and Def Motion to Preclude Enemy Evidence, 8 Feb 13	7	Unclassified		
AE 486		Gov Prop Plan: Storage of Appellate Exhibits, 20 Feb 13	4	Unclassified		
AE 486	Enclosure 1	Sample Unclass Placeholder	2	Unclassified		
AE 486	Enclosure 2	Sample Class Placeholder	2	Unclassified		
AE 486	Enclosure 3	Draft Order - Corrected Copy	5	Unclassified		
AE 486	Enclosure 4	Sample Class Information Sealing Order for "Documents Off-Site"	3	Unclassified		

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AE 486	Enclosure 5	Sample Memo For Record	2	Unclassified		
AE 487		Gov Notification of Security Clearances for Def Wit, 14 Feb 13	2	Unclassified		
AE 488		Gov Resp to Def Motion for Appropriate Relief, 14 Feb 13	5	Unclassified		
AE 489		Def Resp to Gov Motion to Close the Courtroom, 14 Feb 13	4	Unclassified		
AE 490		Def MRE 505(h) Notice (class), 22 Feb 13	20	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 491		Def 505(h)(3) Notice (class), 5 Nov 12	15	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 492		Def Req for Trial Before Military Judge Alone, 13 Feb 13	1	Unclassified		
AE 493		Pretrial Publicity Order for Court-Martial Members, 26 Feb 13	3	Unclassified		
AE 494		Ruling: Speedy Trial and Ruling Appendix, 26 Feb 13	71	Unclassified		
AE 495		Guilty Plea Inquiry for United States v. PFC Manning	35	Unclassified		
AE 495		Gov Notice of Prop Providence Inquiry Questions, 7 Feb 13	2	Unclassified		
AE 495	Enclosure	Gov Prop Providence Inquiry	56	Unclassified		
AE 496		Gov Resp to the Accused's Proffered Statement, 14 Feb 13	9	Unclassified		
AE 497		Def Resp to the Alleged Legal Issues, 21 Feb 13	8	Unclassified		
AE 498		Def Notice of Plea and Forum, 30 Jan 13	6	Unclassified		
AE 499		Accused's Providence Proffer, 29 Jan 13	34	Unclassified		
AE 499	Attachment	Att to PFC Manning's Providence Statement, 30 Jan 13	5	Unclassified		
AE 500		Order: Storage of Appellate Exhibits Not Accompanying RoT, 26 Feb 13	4	Unclassified		
AE 501	Tab 1	Apache video	1	Unclassified		
AE 501	Tab 2	Charged Documents - Tab 2	6	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 501	Tab 3	Charged Documents - Tab 3	32	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 501	Tab 4	Charged Documents - Tab 4	102	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 501	Tab 5	Charged Documents - Tab 5	55	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 501	Tab 6	Charged Documents - Tab 6	18	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 501	Tab 7	Charged Documents - Tab 7	140	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 501	Tab 8	Charged Documents - Tab 8	3	Confidential	Reason 3	stored in the classified supplement to the original ROT
AE 501	Tab 9	Charged Documents - Tab 9	545	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 502		Gov Notice to the Court of Def Notification under MRE 505(h), 1 Mar 13	2	Unclassified		
AE 503		Scheduling Order, 1 Mar 13	3	Unclassified		

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AE 504		Def Notice of Intent to Disclose Class Information under MRE 505(h) (class), 8 Mar 13	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 505		Supp to Gov Grunden Resp (CORRECTED COPY) (class), 15 Mar 13	31	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 506		Supp to Gov Grunden Resp (CORRECTED COPY) (REDACTED), 15 Mar 13	31	Unclassified		
AE 507		Gov Targeted Brief on Interplay of MRE 505, RCM 806, and Grunden, 15 Mar 13	3	Unclassified		
AE 507	Enclosure 1	Code 30, Chapter 1	3	Unclassified		
AE 507	Enclosure 2	Code 30, Chapter 9	20	Unclassified		
AE 507	Enclosure 3	Code 30, Chapter 10	11	Unclassified		
AE 508		Def Targeted Brief on Closure: Grunden, MRE 505 and RCM 806, 21 Mar 13	4	Unclassified		
AE 509		Gov Targeted Brief on "Reason to Believe" Element in 18 USC 793(e), 29 Mar 13	6	Unclassified		
AE 509	Enclosure 1	Legislative History	10	Unclassified		
AE 509	Enclosure 2	Diaz Charge Sheet	3	Unclassified		
AE 509	Enclosure 3	Steele Charge Sheet	4	Unclassified		
AE 510		Gov Targeted Brief on Receipt of Intelligence, 29 Mar 13	8	Unclassified		
AE 510	Enclosure 1	Excerpt from Military Law and Precedents by Winthrop	13	Unclassified		
AE 510	Enclosure 2	A Digest of Opinions of JAGs of the Army by Winthrop	6	Unclassified		
AE 510	Enclosure 3	Excerpt from Record Book #14, Records of Army TJAG	25	Unclassified		
AE 510	Enclosure 4	Excerpt of Military Law Review Vol 30	41	Unclassified		
AE 510	Enclosure 5	Excerpt of Manual for Courts-Martial, 1951	4	Unclassified		
AE 510	Enclosure 6	A Digest of Opinions of JAGs of the Army by Winthrop	5	Unclassified		
AE 510	Enclosure 7	A Treatise on the Military Law Of USA by BG Davis	4	Unclassified		
AE 510	Enclosure 8	Excerpt of A Digest of Opinions, Army TJAG 1912	4	Unclassified		
AE 511		Gov Targeted Brief on Courtroom Closures, 29 Mar 13	19	Unclassified		
AE 511	Enclosure 1	Diaz Closure Order	5	Unclassified		
AE 511	Enclosure 2	Steele Redacted Transcript Excerpt	70	Unclassified		
AE 511	Enclosure 3	Steele Unredacted Transcript Excerpt ex parte	69	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE 511	Enclosure 4	Anderson Gov Motion	7	Unclassified		
AE 511	Enclosure 5	Anderson Closure Order	5	Unclassified		

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AE	511	Enclosure 6	Diaz Courtroom Prot Order	5	Unclassified		
AE	511	Enclosure 7	Diaz Gov Motion	5	Unclassified		
AE	511	Enclosure 8	Ledford Closure Order	7	Unclassified		
AE	512		Gov Objection to Providing an Example Wit, 3 Apr 13	6	Unclassified		
AE	512	Enclosure 1	OCA Classification Guides [ex parte]	105	Secret	Reason 2, Reason 7 (Government)	stored in the classified supplement to the original ROT
AE	512	Enclosure 2	OCA Classification Guides [uncas]	64	Unclassified		
AE	512	Enclosure 3	Grunden Motion with OCA Classification Guides Pinpoint Cites	3	Unclassified		
AE	512	Enclosure 4	Art 32 Transcript of SA David Shaver	33	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	512	Enclosure 5	Art 32 Transcript of SA David Shaver w/ Codeword Substitutions	33	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	512	Enclosure 6	Webpage Screenshot #1	29	Unclassified		
AE	512	Enclosure 7	Webpage Screenshot #2	42	Unclassified		
AE	512	Enclosure 8	Webpage Screenshot #3	3	Unclassified		
AE	512	Enclosure 9	Email from Mr. Coombs, 12 Mar 13	2	Unclassified		
AE	513		Def Req for Appropriate Relief: Closure Wit, 28 Mar 13	3	Unclassified		
AE	514		Def Targeted Brief on 18 USC 793e, 29 Mar 13	7	Unclassified		
AE	515		Ruling: Scilenter Requirement for 18 USC 793(e), 10 Apr 13	4	Unclassified		
AE	516		Ruling: Def Motion to Preclude Evidence of Receipt by Enemy (Art 104), 10 Apr 13	6	Unclassified		
AE	517		Ruling and Order: Interplay btw MRE 505, RCM 806, and Grunden; John Doe, 10 Apr 13	5	Unclassified		
AE	518		SIPR Email	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	519		Scheduling Order (Corrected Copy), 17 Apr 13	3	Unclassified		
AE	520		Gov Req for Leave to Submit Notice of Alternatives, 17 Apr 13	1	Unclassified		
AE	521		Ruling: Gov Motion for Leave to Submit Notice of Alternatives, 17 Apr 13	1	Unclassified		
AE	522		Gov Notice to Court of Def Notification under MRE 505h, 22 Apr 13	2	Unclassified		
AE	523		Gov Notification of Security Clearances for Def Wit, 22 Apr 13	2	Unclassified		
AE	524		Def Req for Leave until 24 Apr 13, 22 Apr 13	1	Unclassified		

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AE	S25		Def Notice of Intent to Use Class Information and Prop Alternatives to Court Closure [class], 24 Apr 13	25	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S26		Def Interrogatories for John Doe Wit, 14 Apr 13	5	Unclassified		
AE	S26	Enclosure 1	Emails between Coombs, Fein, and Lind	4	Unclassified		
AE	S27		Gov Resp to Def Interrogatories for John Doe [redacted], 29 Apr 13	1	Unclassified		
AE	S27	Enclosure	Resp by Mr. John Doe (class and containing protected health info under HIPPA) (redacted), 29 Apr 13	8	Unclassified		
AE	S28		Gov Resp to Def Interrogatories for Mr. John Doe, 29 Apr 13	1	Unclassified		
AE	S28	Enclosure 1	Resp by Mr. John Doe (class "S/OC/NF" and containing protected health info under HIPPA)	8	Secret	Reason 2; Reason 4	stored in the classified supplement to the original ROT
AE	S28	Enclosure 1 (Redacted)	Resp by Mr. John Doe (class and containing protected health info under HIPPA) (redacted), 29 Apr 13	8	Unclassified		
AE	S29		Gov Req for Leave to Submit Plan for Expeditious Transcription, 1 May 13	1	Unclassified		
AE	S30		Gov Notice of Alternatives to Class Information, 6 May 13	2	Unclassified		
AE	S30	Enclosure 1	Peter Artale Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 2	Stephen Buchanan Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 3	Sean Chamberlin Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 4	Jim Downey Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 5	Patrick Hoeffel Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 6	Thomas Hoskins Legend [class SECRET//NOFORN]	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 7	Mary Horvath Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 8	John Janek Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 9	Mark Mander Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	S30	Enclosure 10	Jeffery Motes Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT

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AE	530	Enclosure 11	Gerald Mundy Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	530	Enclosure 12	Nick Murphy Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	530	Enclosure 13	Martin Nehring Legend [class SECRET//NOFORN]	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	530	Enclosure 14	Louis Travieso Legend [class SECRET//NOFORN]	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	531		Order to Close Certain Proceedings (Doe) (Corrected Copy), 21 May 13	4	Unclassified		
AE	532		Order to Close Proceedings (3 Wit) (Corrected Copy), 21 May 13	3	Unclassified		
AE	533		Legend for Ambassador Yamamoto	12	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	534		Gov Req for Leave until 10 May 13, 7 May 13	1	Unclassified		
AE	535		Gov Prop Direct for AMB Yamamoto	10	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	536a		Draft Modified Direct with Highlights	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	536b		Alternatives for Highlights	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	537		Stip of Expected Testimony (IvoryE), 10 May 13 (admitted as PE 35)	1	Unclassified		Entered as Prosecution Exhibit 35
AE	538		Stip of Expected Testimony (TraviesoL), 10 May 13 (admitted as PE 118a)	2	Secret		Entered as Prosecution Exhibit 118a
AE	539		Stip of Expected Testimony (TraviesoL) (Redacted), (admitted as PE 118b)	1	Unclassified		Entered as Prosecution Exhibit 118b
AE	540		Stip of Fact (UBL), 10 May 13 (admitted as PE 153b)	2	Secret		Entered as Prosecution Exhibit 153b
AE	541		Stip of Fact (UBL) (redacted) (admitted as PE 153a)	1	Unclassified		Entered as Prosecution Exhibit 153a
AE	542		Evidence of the Class Nature of the Information Asserted as Overriding Interest, 10 May 13	4	Unclassified		
AE	542	Enclosure 1	DoD Letter, 7 May 13	14	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	542	Enclosure 2	DIA Letter, 2 May 13	6	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	542	Enclosure 3	DoS Letter, 10 May 13	10	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT
AE	542	Enclosure 4	Classification Reviews for Charged Docs enclosed to AE 18	1	unclassified		
AE	542	Enclosure 5	Classification Reviews for Evidence enclosed to AE 18	1	unclassified		
AE	542	Enclosure 6	Classification Reviews enclosed to AE 477 [ex parte]	1	Secret		Entered as Appellate Exhibit 477
AE	543		Accounting of Discovery and Expert Wit (Corrected Copy), 15 May 13	5	Unclassified		

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AE	543	Enclosure 1	7 Compact Discs Containing Class Discovery	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	543	Enclosure 2	5 Compact Discs Containing Unclassified Discovery	2	Unclassified	Reason 4; Reason 5; Reason 6; Reason 8	stored in the classified supplement to the original ROT
AE	543	Enclosure 3	Memo for Record, 9 Aug 12	2	Unclassified		
AE	544		Gov Targeted Brief on Relevance of Expert Testimony, 14 May 13	8	Unclassified		
AE	545		Def Notice of Intent to Use Class Information & Prop Alternatives to Court Closure, 13 May 13	27	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	546		Def Notice of Intent to Use Class Info & Prop Alternatives to Court Closure (CORRECTED COPY/REDACTED), 13 May 13	27	Unclassified		
AE	547		Def Resp to Gov Targeted Brief on the Relevance of DoS Testimony, 17 May 13	7	Unclassified		
AE	548		Gov Prop Plan: Expeditious Transcription, 20 May 13	3	Unclassified		
AE	549		Ruling: Relevance on the Merits of Testimony Explaining Nature of Charged Info, 21 May 13	5	Unclassified		
AE	550		Order to Close Certain Proceedings, 21 May 13	6	Unclassified		
AE	551		Scheduling Order, 21 May 13	3	Unclassified		
AE	552		Wit List for First 25 Gov Wit, 21 May 13	1	Unclassified		
AE	553a		Gov Prop Trial Schedule Plan, 21 May 13	2	unclassified		
AE	553b		Def Email Re: Gov Filing (AE 553a)	1	unclassified		
AE	554		Add to Def Wit List, 21 May 13	1	unclassified		
AE	555		Gov Motion for Use of Alternatives under MRE 505(j)(2), 31 May 13	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	555	Enclosure 1	Gov Motion for Use of Alternatives, Enc 1	6	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	555	Enclosure 2	Gov Motion for Use of Alternatives, Enc 2	48	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	555	Enclosure 3	Gov Motion for Use of Alternatives, Enc 3	50	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	555	Enclosure 4	Gov Motion for Use of Alternatives, Enc 4	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	556		Redacted version of AE 555 and Enc 4	6	unclassified		
AE	557		Section III Disclosures, 1 Jun 13	1	unclassified		
AE	557	Enclosure 1	List of Bates # ranges of disclosed information	5	unclassified		

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AE	558		Third Party Filing for Public Access, 31 May 13	6	unclassified		
AE	559		Grant of Testimonial Immunity (Adkins), 23 May 13	1	unclassified		
AE	560		Grant of Testimonial Immunity (CW2 Balonek), 23 May 13	1	unclassified		
AE	561		Media Advisory 13-15, 10 May 13	2	unclassified		
AE	562		Gov Slides for Opening Statement	122	unclassified		
AE	563		Coalition Letter Regarding Media Access, 3 Jun 13	2	unclassified		
AE	564		Gov Wit List Order and Prop SOET, 5 Jun 13	2	unclassified		
AE	565		Ruling: Req for Public Access, 10 Jun 13	1	unclassified		
AE	566		Gov Wit List Order and Prop PEs, 11 Jun 13	2	unclassified		
AE	567		Gov Targeted Brief on Admissibility of Internet Docs, 15 Jun 13	9	unclassified		
AE	567	Enclosure 1	Attested "WikiLeaks Most Wanted 2009"	16	unclassified		
AE	568		Def Targeted Brief on Objections to PEs 31, 32, 33, 34, and 109 for ID, 15 Jun 13	6	unclassified		
AE	568	Enclosure 1	Letter from Trent Struttman, 14 Jun 13	4	unclassified		
AE	568	Enclosure 2	CV of Trent Struttman	5	unclassified		
AE	568	Enclosure 3	WikiLeaks Most Wanted List (Google Cache)	2	Unclassified		
AE	568	Enclosure 4	Art "Anonymous Hacked US State Dept..."	2	unclassified		
AE	568	Enclosure 5	Art "U.S. Gov Online Security Website Hacked"	2	unclassified		
AE	568	Enclosure 6	Art "CIA website and FBI hacked by..."	2	unclassified		
AE	568	Enclosure 7	Art "Twitter Hacked, defaced by 'Iranian...'"	2	unclassified		
AE	568	Enclosure B	Art "Twitter Hacked, Twitter Virus..."	2	unclassified		
AE	568	Enclosure 9	FAQ page about Way Back Machine Affidavit	4	unclassified		
AE	568	Enclosure 10	Affidavit of Christopher Butler	30	Unclassified		
AE	569		Def Motion for Judicial Notice of FOIA Request by Reuters, 15 Jun 13	4	unclassified		
AE	569	Enclosure 1	Reuters FOIA Req, 25 Jul 07	3	unclassified		
AE	569	Enclosure 2	FOIA Req to USCENTCOM	2	unclassified		

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AE	569	Enclosure 3	USCENTCOM FOIA Resp	3	unclassified		
			Def Motion for Judicial Notice of CENTCOM Class Review and Transcript of PE 15, 15 Jun 13	5	unclassified		
AE	570	Enclosure 1	CENTCOM Assessment of Apache Video	2	unclassified		
AE	570	Enclosure 2	Prop Transcript of Apache Video	12	unclassified		
			Def Motion for Judicial Notice- WikiLeaks 9/11 Pager Messages, 15 Jun 13	3	unclassified		
AE	571	Enclosure 1	News Art on 9/11 pager messages	30	unclassified		
AE	572		Gov Wit List Order and Prop PEs, 17 Jun 13	2	unclassified		
AE	573		Order: Review of SOET, 18 Jun 13	1	unclassified		
			Gov Resp to Def Motions for Judicial Notice and Admission of a Statement by Party Opponent (AEs 569,570,571), 19 Jun 13	5	unclassified		
AE	574	Enclosure 1	Def Transcript of PE 15 (edits tracked)	12	unclassified		
AE	574	Enclosure 2	Def Transcript of PE 15 (edits applied)	12	unclassified		
AE	575		Gov Wit List Order and Prop PEs, 25 Jun 13	1	unclassified		
AE	576		Gov Motion for Judicial Notice, 25 Jun 13	9	Unclassified		
AE	576	Enclosure 1	Sources (WikiLeaks release of Collateral Murder)	12	unclassified		
AE	576	Enclosure 2	Sources (WikiLeaks release of CIDNE-I records)	13	unclassified		
AE	576	Enclosure 3	Sources (WikiLeaks release of CIDNE- A records)	14	Unclassified		
AE	576	Enclosure 4	Sources (WikiLeaks release of JTF- GTMO records)	10	Unclassified		
AE	576	Enclosure 5	Sources (WikiLeaks release of Army CI Center Report)	8	unclassified		
AE	576	Enclosure 6	Sources (Salary of Service members)	19	unclassified		
AE	576	Enclosure 7	Sources (Salary of Gov Employees)	16	unclassified		
AE	576	Enclosure 8	AR 25-1, certain paragraphs	10	unclassified		
AE	576	Enclosure 9	DoD 5400.11-R, Appendix 1	11	unclassified		
AE	576	Enclosure 10	Sources (Thanksgiving 2009)	4	unclassified		
AE	576	Enclosure 11	Sources (Internet Domain for Iceland)	7	unclassified		
AE	576	Enclosure 12	Sources (Identity of Persons)	14	unclassified		
AE	576	Enclosure 13	Chat Lingo and Meanings	4	unclassified		
AE	577		Def Resp to Gov Req for Judicial Notice, 25 Jun 13	4	unclassified		

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AE 578		Testimonial Immunity (CPT Lim), 14 Jun 13	1	unclassified		
AE 579		Post-Trial and Appellate Rights, 15 Jul 13	5	unclassified		
AE 580		Assumption of Command by MG Buchanan, 24 Jun 13	1	unclassified		
AE 581		Wit List Order for Def, 25 Jun 13	1	unclassified		
AE 582		Ruling: Motions by Parties for Judicial Notice, 27 Jun 13	6	unclassified		
AE 583		Def Wit Order, 27 Jun 13	1	unclassified		
AE 584		Ruling: Gov Motion to Admit PEs 31, 32, and 109, 28 Jun 13	8	unclassified		
AE 585		Gov Req for Mr. Butler-production of certain records and subpoena, 28 Jun 13	2	unclassified		
AE 586		Email from Hanni to CW2 Ford Subj: 6.28.13 Subpoena	1	unclassified		
AE 587		Gov Relevance and Non-Hearsay Purpose for Judicial Notice Facts, 28 Jun 13	2	unclassified		
AE 587a		Comments Version of AE 587	2	unclassified		
AE 588		Combined Judicial Notice, 28 Jun 13	7	unclassified		
AE 588a		Combined Judicial Notice (w/ highlights), 1 Jul 13	6	Unclassified		
AE 588b		Def Clarification of Colloquy for SOETs in PEs 180/181, 1 Jul 13	2	unclassified		
AE 589		EEL List Bates #00527925-00527929	5	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 590		Value List Bates #00527930-00527932	3	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 591		Ruling: Gov Motion to Qualify Mr. Danny Lewis as Expert, 2 Jul 13	3	unclassified		
AE 592		Ruling: Relevance/Non-hearsay for Gov Motion for Judicial Notice, 2 Jul 13	2	unclassified		
AE 593		Def Motion for Directed Verdict: Chg II, Specs 4, 6, 8, 12 (4 Jul 13)	18	unclassified		
AE 594		Def Motion for Directed Verdict: Art 104, 4 Jul 13	4	Unclassified		
AE 595		Def Motion for Directed Verdict: 18 USC 1030 Offense, 4 Jul 13	15	unclassified		
AE 596		Def Motion for Directed Verdict: Spec 16 of Chg II, 4 Jul 13	7	unclassified		
AE 597		Email from MAJ Fein to Military Judge, subj: RE: Def Filing - Gov Time to Respond	4	unclassified		
AE 598		Def Wit List Order, 7 Jul 13	1	unclassified		
AE 599		Gov Resp to AE 593, 11 Jul 13	22	unclassified		

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AE	600		Gov Resp to AE S94, 11 Jul 13	13	Unclassified		
AE	601		Gov Resp to Def Motion for Directed Verdict: 18 USC 1030 Offense, 11 Jul 13	7	Unclassified		
AE	602		Gov Notice Potential Rebuttal Case, 15 Jul 13	3	Unclassified		
AE	603		Def Repl to Gov Resp to Motion for Directed Verdict on the 18 USC 641 Offenses, 12 Jul 13	11	Unclassified		
AE	604		Amendment #2 Draft Instructions, 15 Jul 13	1	Unclassified		
AE	605		Email from Joshua Ehresman to Mr. Coombs, 21 Jun 13	1	Unclassified		
AE	606		Gov Brief on 18 USC 641 and Intangible Property, to Include Information, 17 Jul 13	9	Unclassified		
AE	607		Def Submission (1 Internet Print Out) Relating to Gov Oral Motion for Judicial Notice of Finkel Book	1	Unclassified		
AE	608		Email from Mr. Coombs to the Court, 17 Jul 13	1	Unclassified		
AE	609		Ruling: Def Motions for Findings of Not Guilty - RCM 917, 18 Jul 13	7	Unclassified		
AE	610		Def Demonstrative Document Showing "Property and Value of Property"	1	Unclassified		
AE	611		Def Req for Special Findings under UCMJ Art. S1(d) and RCM 918(b), 19 Jul 13	2	Unclassified		
AE	612		Gov Notification to the Court: GAL Evidence, 19 Jul 13	3	Unclassified		
AE	613		Supplemental Ruling: Def Motions for Findings of Not Guilty - RCM 917, 24 Jul 13	9	Unclassified		
AE	614		Def Motion for Reconsideration and for Mistrial: Specs 4, 6, 8, 12, and 16 of Charge II, 24 Jul 13	10	Unclassified		
AE	614	Enclosure	Signed Statement by Cassius Hall	2	Unclassified		
AE	615		Accounting of Expert Wit for Presentencing, 25 Jul 13	2	Unclassified		
AE	616		Schedule of Gov Wit for Presentencing Phase, 25 Jul 13	2	Unclassified		
AE	617		Gov Class Supp to Closing Argument	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	618		Def Closing Slides	22	Unclassified		

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AE	619	Gov Closing Argument Slides	1	Unclassified		
AE	620	26 July 13 Exclusion Order and Enc under Seal. Letter from Clark Stoeckley.	0	Unclassified	Reason 4; Reason 8	stored in the original ROT
AE	620a	26 July 13 Letter from Mr. Stoeckley and Email from Mr. Coombs to the Court	2	Unclassified		
AE	621	Gov Resp to Def Motion for Reconsideration and for Mistrial: Specs 4, 6, 8, 12, 16 of Charge II, 26 Jul 13	6	Unclassified		
AE	622	Letter from Garrison Commander to Mr. Stoeckley, 29 Jul 13	2	Unclassified		
AE	623	Ruling: Def Motion for Reconsideration of Court's 24 July 13 Supp RCM 917 Ruling for 18 USC 641 Specs, 30 Jul 13	1	Unclassified		
AE	624	Verdict	2	Unclassified		
AE	625	Special Findings, 15 Aug 13	10	Unclassified		
AE	626	Def Motion to Merge Specs 5 and 7 of Charge II for Findings, 30 Jul 13	1	Unclassified		
AE	627	Def Motion to Merge Specs 4 and 6 of Charge II for Findings, 30 Jul 13	1	Unclassified		
AE	628	Def Motion to Merge as UMC for Sentencing, 30 Jul 13	5	Unclassified		
AE	629	Def Motion for RCM 1001(b)(4) Relief, 31 Jul 13	6	Unclassified		
AE	630	Gov Resp to Def Motion for RCM 1001(b)(4) Relief, 1 Aug 13	6	Unclassified		
AE	631	Memo Concerning Task Force to Review Unauthorized Disclosure of Class Information, 5 Aug 10	2	Unclassified		
AE	632	Gov Resp to Def Motion to Merge Specs 5 and 7 for Findings, 2 Aug 13	5	Unclassified		
AE	633	Gov Resp to Def Motion to Merge Specs 4 and 6 of Charge II for Findings, 2 Aug 13	3	Unclassified		
AE	634	Gov Resp to Def Motion to Merge as UMC for Sentencing, 2 Aug 13	10	Unclassified		
AE	635	Stip of Expected Testimony: SA David Shaver, 5 Aug 13	1	Unclassified		
AE	636	Def Specific Objection under RCM 1001(b)(4) Under Secretary Kennedy, 5 Aug 13	2	Unclassified		

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AE	637		Gov Resp to Def Objection under RCM 1001(b)(4) for US Kennedy, 5 Aug 13	3	Unclassified		
AE	638		Def Wlt Order for Sentencing, 6 Aug 13	1	Unclassified		
AE	639		Ruling: Def Motion for Relief under RCM 1001(b)(4), 5 Aug 13	5	Unclassified		
AE	640		Ruling: Def Motion to Merge Charges as UMC for Findings and Sentence, 6 Aug 13	4	Unclassified		
AE	641		Ruling: Def Motion for Relief under RCM 1001(b)(4) Undersecretary Kennedy, 6 Aug 13	4	Unclassified		
AE	642		Gov Resp to Def Objections under RCM 1001(b)(4) MG Nagata/Col Chesnutt, 7 Aug 13	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	642b		Gov Resp to Def Objections under RCM 1001(b)(4) MG Nagata/Col Chesnutt (redacted), 7 Aug 13	4	Unclassified		
AE	643		Ruling: Def Motion for Relief under RCM 1001(b)(4): MG Nagata/Col Chesnutt, 7 Aug 13	2	Unclassified		
AE	644a		Gov Resp to Def Objections under RCM 1001(b)(4) Mr. McCarl/Mr. Pearson, 8 Aug 13	4	Secret	Reason 2	stored in the classified supplement to the original ROT
AE	644b		Gov Resp to Def Objections under RCM 1001(b)(4) Mr. McCarl/Mr. Pearson (redacted), 8 Aug 13	4	Unclassified		
AE	645		Gov Motion for Appropriate Relief: Mental Health Records, 8 Aug 13	6	Unclassified		
AE	646		Gov Req for Photograph Substitutions, 9 Aug 13	2	Unclassified		
AE	646	Enclosure 1	Photo of PE 11	1	Unclassified		
AE	646	Enclosure 2	Photo of PE 12	1	Unclassified		
AE	646	Enclosure 3	Photo of PE 13	1	Unclassified		
AE	646	Enclosure 4	Photo of PE 14	1	Unclassified		
AE	646	Enclosure 5	Photo of PE 92	1	Unclassified		
AE	647		Def Specific Objection Under RCM 1001(b)(4): CRD Aboul-Enein, 8 Aug 13	2	Unclassified		
AE	648		Gov Resp to Def Objection under RCM 1001(b)(4) for CDR Aboul-Enein, 8 Aug 13	3	Unclassified		
AE	649		2 Emails from Mr. Coombs to MAJ Fein Sharing Mental Health Records of the Accused	2	Unclassified		
AE	650		Ruling: Def Motion for Relief under RCM 1001(b)(4) Mr. McCarl/Mr. Pearson, 9 Aug 13	2	Unclassified		

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AE 651		Def Motion for Judicial Notice of Publically Available IED Information, 9 Aug 13	4	Unclassified		
AE 651	Attachment A	Art: 'Pentagon Still Playing Catch-up w/ Bomb Makers	4	Unclassified		
AE 651	Attachment B	Art: 'Exclusive: Taliban makes IEDs deadlier	3	Unclassified		
AE 652		Def Resp to Gov Motion for Accused's Mental Health Records, 10 Aug 13	5	Unclassified		
AE 653		Email from MAJ Fein to Military Judge Subj Def Judicial Notice (AE 651), 10 Aug 13	1	Unclassified		
AE 654a		Gov Resp to Def Objections under RCM 1001(b)(4) MajGen McKenzie/RADM Donegan, 9 Aug 13	2	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 654b		Gov Resp to Def Objections under RCM 1001(b)(4) MajGen McKenzie/RADM Donegan (redacted), 9 Aug 13	2	Unclassified		
AE 655		Ruling: Gov Motion for Appropriate Relief: RCM 706 Long Form, 12 Aug 13	2	Unclassified		
AE 656		Ruling: Def Motion for Relief under RCM 1001(b)(4): RADM Donegan/MajGen McKenzie, 9 Aug 13	2	Unclassified		
AE 657a		Long Form of 706 Board Evaluation (under seal)	60	Unclassified	Reason 4; Reason 7 (defense)	stored in the original ROT
AE 657b		Long Form of 706 Board Evaluation - Redacted (under seal)	60	Unclassified	Reason 4	stored in the original ROT
AE 658		Ruling: Def Motion for Relief under RCM 1001(b)(4): CDR Aboul-Enein, 14 Aug 13	4	Unclassified		
AE 659		Gov Notice Potential Rebuttal Case, 15 Aug 13	2	Unclassified		
AE 660		CD Containing Panel Documents for 2012 and 2013 panel members	1	Unclassified	Reason 8	stored in the original ROT
AE 661a		Emails from the Parties to the Court as of 18 Aug 13	1	Unclassified	Reason 4; Reason 5; Reason 6; Reason 8	stored in the original ROT
AE 661b		Emails from Gov to the Court , ex parte, as of 18 Aug 13	1	Unclassified	Reason 7 (government)	stored in the original ROT
AE 661c		Emails from Def to the Court , ex parte, as of 18 Aug 13	1	Unclassified		stored in the original ROT
AE 661d		Class Emails from the Parties to the Court as of 18 Aug 13	1	Secret	Reason 2	stored in the classified supplement to the original ROT
AE 661e		Class Emails from the Gov to the Court, ex parte, as of 18 Aug 13	1	Secret	Reason 2; Reason 7 (government)	stored in the classified supplement to the original ROT

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AE	662		Final Judicial Notice Accounting, 16 Aug 13	6	Unclassified		
AE	663		Gov Notification of Review of MRE S05(g)(2) Redactions, 19 Aug 13	2	Unclassified		
AE	664		Def Sentencing Argument Slides	4	Unclassified		
AE	665		Authentication Plan, 19 Aug 13	2	Unclassified		
DE	A		Ft Drum AUP Feb 2010.pdf	7	Unclassified		
DE	B		Stip of Expected Testimony, Fort Leavenworth Wit	2	Unclassified		
DE	C		Centaur Overview of CENTCOM IPs_class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	D		CENTAUR Logs Filtered by CENTCOM IP_class.txt	6	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	E		SIGACT dated 24Dec09_class	3	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	F		Draft WikiLeaks Most Wanted Bates 00527873.pdf	9	Unclassified		
DE	G		Intelink Logs Filtered by CENTCOM and Farah_class.txt	7	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	H		Intelink Logs Filtered by CENTCOM_class.txt	101	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	I		Deployment Planning for Information Systems.pdf	11	Unclassified		
DE	J		Report Examination of PFC Manning's Personal Laptop_class.txt	80	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	K1		Good Soldiers Excerpt.pdf	14	Unclassified		
DE	K2		Good Soldiers Excerpt PPT.pdf	22	Unclassified		
DE	L		Gov Exhibit 15 Transcript of Video.pdf	12	Unclassified		
DE	M		Reuter's FOIA Req.pdf	4	Unclassified		
DE	N		1FAM270.pdf	78	Unclassified		
DE	O		memo, Classification of Apache Video, 13 Oct 10.pdf	1	Unclassified		
DE	P		Affidavit of Christopher Butler.pdf and Exhibit A	29	Unclassified		
DE	Q		Sworn Statement (CPT Lim).pdf	3	Unclassified		
DE	R		Antolak_Manning Chats.pdf	39	Unclassified		
DE	S		Final Report Guantanamo Review Task Force.pdf	32	Unclassified		
DE	T		DAB for FAA.txt	2	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	U		DAB for DAA.txt	11	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	V		DAB for T3.txt	5	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	W		SIGACT Friendly Action.txt	2	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	X		SIGACT Kidnapping.txt	5	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	Y		Cable Bates 00377499-00377501.txt	3	Secret	Reason 2	stored in the classified supplement to the original ROT
DE	Z		Cables Bates 00377033-00377037.txt	5	Secret	Reason 2	stored in the classified supplement to the original ROT

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DE	CC	DE Various.pdf	237	Unclassified		
DE	DD	Visual Aids for Mr Hall Testimony.pdf	4	Unclassified		
DE	EE	Open Source for SIGACTs_highlights.pdf	14	Unclassified		
DE	FF	Open Source for Cables_highlights.pdf	16	Unclassified		
DE	GG	Harvard Civil Rights-Civil Law Review Summer 2011.pdf	76	Unclassified		
DE	HH	Military's Killing of 2 Journalists.pdf	2	Unclassified		
DE	II	Pentagon Targets Wiki Whistleblowers.pdf	8	Unclassified		
DE	JJ	WikiLeaks Claims FaceBook Deleted.pdf	2	Unclassified		
DE	KK	Forensic Report of PFC Manning's Personal Mac Web Page.pdf	2	Unclassified		
DE	LL	Att 5-Collateral Murder Web Page.pdf	4	Unclassified		
DE	MM	Att 5-Forensic Report Web Page.pdf	7	Unclassified		
DE	NN	Att 5-Forensic Report Web Page.pdf	2	Unclassified		
DE	OO	Att 5-Journalist and Radio Host.pdf	2	Unclassified		
DE	PP	Democracy Now Art.pdf	5	Unclassified		
DE	QQ	Manning Counseling by Showman.pdf	6	Unclassified		
DE	RR	Showman Sworn Statement.pdf	9	Unclassified		
DE	SS	Targeting Office Rules.pdf	1	Unclassified		
DE	TT	Punch Video_CD	1	Unclassified		
DE	UU	Whistleblower Audio_CD	1	Unclassified		
DE	VV	Showman Tweet.pdf	1	Unclassified		
DE	WW	FBI Records_The Vault.pdf	3	Unclassified		
DE	XX	MFR Subj Behavior of SPC Manning.pdf	2	Unclassified		
DE	YY	Adkins Sworn Statement.pdf	6	Unclassified		
DE	ZZ	DA 2823 by Adkins, 3 Jul 10	5	Unclassified		
DE	AAA	Adkins Question List, 15 Jul 10.pdf	6	Unclassified		
		memo, Subj: Rebuttal of General Officer memo of Reprimand, 29 Apr 11	3	Unclassified		
DE	BBB		11	Unclassified		
DE	CCC	5 FAH-2H	17	Unclassified		
DE	DDD	Statement of Ambassador Kennedy CD labeled "Def Exhibit EEE for Identification"	11	Unclassified		
DE	EEE		1	Unclassified		

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DE FFF		CD labeled "Def Exhibit FFF for identification"	1	Unclassified		
DE GGG		2010 - JIEDDO Annual Report	32	Unclassified		
DE HHH		2009 - JIEDDO Annual Report	28	Unclassified		
DE III		Pentagon Still Playing Catch-Up With Bomb Makers	3	Unclassified		
DE JJJ		Washington Times - Taliban makes IEDs deadlier	2	Unclassified		
DE KKK		Sworn Statement, Col Miller, 20 Jan 11	5	Unclassified		
DE LLL		GOMOR Rebuttal, LTC Kerns, 8 Apr 11	2	Unclassified		
DE MMM		MFR, Behavior of SPC Manning, 26 Apr 10	2	Unclassified		
DE NNN		MFR, Behavior of SPC Manning, 8 May 10	2	Unclassified		
DE OOO		DEROG (DA Form 5248-R), 9 May 11	1	Unclassified		
DE PPP		Sworn Statement, LT Fields, 18 Jan 11	3	Unclassified		
DE QQQ		Email to LTC Kerns and Photograph, 4 Jun 10	3	Unclassified		
DE RRR		Counseling Form, MSG Adkins, 7 Jun 10	2	Unclassified		
DE SSS		GOMOR Rebuttal, WO1 Balonek, 6 Apr 11	4	Unclassified		
DE TTT		Reprimand, MSG Adkins, 15 Apr 11	4	Unclassified		
DE UUU		Sworn Statement, SPC Cooley, 21 Jun 10	4	Unclassified		
DE VVV		Medical Records, starting 20 Dec 09	22	Unclassified	Reason 4	stored in the original ROT
DE WWW		PFC Manning Family Photographs	4	Unclassified		
DE XXX		DoD PAO Art and various Judicial Notice	5	Unclassified		
DE YYY		DoD PAO Art and various Judicial Notice	14	Unclassified		
PE 1		Accused's OMPF	79	Unclassified		
PE 2		Accused's 5MIF File	158	Unclassified		
PE 3		Accused's OPM Investigation w/Attestation	71	Unclassified		
PE 4		Accused's ATRRS Record w/Attestation	5	Unclassified		
PE 5		DVD 35F10 POI and Lesson Plans with Attestation Certificate	3	Unclassified		
PE 6		35F Student Evaluation Plan w/Attestation	15	Unclassified		

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE	7		2 DOD IA Awareness CDs with Attestation Certificate	3	Unclassified		
PE	8		Accused's SCI Packet	27	Unclassified		
PE	9		DGGS-A Version Description Document	16	Unclassified		
PE	10a		10Pretoria636	5	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10b		08Khartoum246	4	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10c		08Khartoum428	9	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10d		07Lagos719	4	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10e		09Addisababa1063	4	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10f		07Addisababa2197	7	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10g		09Bamako85	7	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	10h		08Daressalaam206	6	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	11		Hard drive-DN#073-10 Item 1	1	Unclassified		Substitute, original stored with CID Evidence Custodian
PE	12		Hard drive-DN#073-10 Item 2	1	Unclassified		Substitute, original stored with CID Evidence Custodian
PE	13		Hard drive-DN#076-10 (Lamo Ubuntu hard drive)	1	Unclassified		Substitute, original stored with CID Evidence Custodian
PE	14		Laptop DN #077-10 (Lamo HP Laptop)	1	Unclassified		Substitute, original stored with CID Evidence Custodian
PE	15		Apache CD (w_ 3 Arabic CDs in box)	2	Unclassified		
PE	15b		Substitute for Apache CD	1	Unclassified		
PE	16		CID Sketch of Accused's CHU	1	Unclassified		
PE	16a		CID Sketch of Accused's CHU Marked by SA Thomas Smith	1	Unclassified		
PE	17		CID Sketch of SCIF	1	Unclassified		
PE	18		CID Photo of Accused's CHU	1	Unclassified		
PE	18a		CID Photo of Accused's CHU Marked by SA Thomas Smith	1	Unclassified		
PE	18b		CID Photo of Accused's CHU Marked by SA Thomas Smith ver. 2	1	Unclassified		
PE	19		CID photo of SCIF Bates #00000302	1	Unclassified		
PE	19a		CID photo of SCIF Bates #00000302 Marked by SA Thomas Smith	1	Unclassified		
PE	20		CID Photo of SCIF Bates #00000304	1	Unclassified		
PE	20a		CID Photo of SCIF Bates #00000304 Marked by SA Thomas Smith	1	Unclassified		
PE	21		Stip of Expected Testimony (Amiatu)	1	Unclassified		

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 22		Attested JAMMS Report	11	Unclassified		
PE 23		Stip of Expected Testimony (Robertson)	7	Unclassified		
PE 24		WikiLeaks Contact Information	1	Unclassified		
PE 25		PowerPoint: Operations Security 080613	12	Unclassified		
PE 26		Stip of Expected Testimony (Edwards)	2	Unclassified		
PE 27		Stip of Expected Testimony (Clapper)	2	Unclassified		
PE 28		Stip of Expected Testimony (Young)	2	Unclassified		
PE 29		Stip of Expected Testimony (Mairena)	2	Unclassified		
PE 30		Wired.com chat logs (Manning, Lamo)	50	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 31		WikiLeaks tweet asking for GAL	2	Unclassified		
PE 31a		Black & White copy of WikiLeaks tweet asking for .mil addresses	1	Unclassified		
PE 31b		Better Resolution version of PE 31	1	Unclassified		
PE 32		WikiLeaks tweet regarding encrypted video	2	Unclassified		
PE 32a		Black & White copy of WikiLeaks tweet regarding encrypted video	1	Unclassified		
PE 32b		Better Resolution version of PE 32	1	Unclassified		
PE 33		WikiLeaks most wanted Sort	21	Unclassified		
PE 34		Google Version WikiLeaks Most Wanted List (admitted as PE 110)	1	Unclassified		Entered as Prosecution Exhibit 110
PE 35		Stip of Expected Testimony (Ivory)	2	Unclassified		
PE 36		Stip of Expected Testimony (Marin)	3	Unclassified		
PE 37		CD Backup.xlsx	1	Unclassified		
		Chat Log between pressassociation@jabber.ccc.de and dawgnetwork@jabber.ccc.de	14	Unclassified		
PE 38		Volumes.txt	1	Unclassified		
PE 39		Accused's self photo	1	Unclassified		
PE 40						
PE 41		Email from bradley.e.manning@gmail to unlocked@MIT.EDU, 100520	3	Unclassified		
PE 42		Readme.txt	1	Unclassified		
PE 43		Chaos Communication Congress Report by SSG Matthew Hosburgh, 7Jan10	7	Unclassified		
PE 44		Chaos Communication Congress Report by SSG Matthew Hosburgh, 7Jan10	7	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 45		ACIC Report (undclas without references)	26	Unclassified		

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 46		ACIC Report	32	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 47		CD GAL Names	1	Unclassified		
PE 48		CD GAL Emails	1	Unclassified		
PE 49		CD with Intelink Search Summary	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 50		List of USB Drive Contents	1	Unclassified		
PE 51		PowerPoint Slides Islamic Extremism	16	Unclassified		
PE 52		PowerPoint Slides Information Security AR 380 S from 305th MI	76	Unclassified		
PE 53		Forensic Report External HDD	14	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 54		Intelligence Analyst Course Table of Contents	3	Unclassified		
PE 55		Email from Manning to Martin	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 56		Email from Martin to Manning	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 57		Email from Manning to Balonek	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 57	Attachment	overall.docx	16	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 58		Email from Manning to Ehresman	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 59		Manning Non Disclosure Agreement Wited by Rubin (aka Ivory), 7 Apr 08	2	Unclassified		
PE 60		Manning Non Disclosure Agreement Wited by Balonek, 17 Sep 08	2	Unclassified		
PE 61		CDs Containing Intelink Logs for .22 and .40_class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 62		Intelink Passport Account Information, PFC Manning_class.txt	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 63		Views of ACIC Product RB08 0617	21	Unclassified		
PE 64		CD of ACIC Log Files	2	Unclassified		
PE 65		USCENTCOM SJA Farah Folder Contents Listing_class.txt	14	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 66		CD Containing BE22 Pax.zip and BE22 Pax.wmv (Gharani)_class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 67		USCENTCOM Password for BE22 Pax.zip_class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 68		DoS Firewall Logs (DN 1S1 10, Item 1)_class (Photo of CD Included in unclas Record)	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 69		Stip of Expected Testimony: Stephen Buchanan	4	Unclassified		
PE 70		Stip of Expected Testimony: Peter Artale	3	Unclassified		
PE 71		Stip of Expected Testimony: Sean Chamberlin	2	Unclassified		
PE 72		Stip of Expected Testimony: John Wilbur	5	Unclassified		
PE 73		Stip of Expected Testimony: James Fung	2	Unclassified		

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 74		Stip of Expected Testimony: Alex Withers	3	Unclassified		
PE 75		Stip of Expected Testimony: James McManus	2	Unclassified		
PE 76		Stip of Expected Testimony: Troy Bettencourt	2	Unclassified		
PE 77		Stip of Expected Testimony: Kirk Ellis	2	Unclassified		
PE 78		Stip of Expected Testimony: Mark Mander	1	Unclassified		
PE 79		Stip of Expected Testimony: Ron Rock	2	Unclassified		
PE 80		Stip of Expected Testimony: Doug Schasteen	1	Unclassified		
PE 81		Intelink Log Summary Searches_class.txt	24	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 82		Intelink Log Summary: 5 Mar 10	23	Unclassified		
PE 83		Intelink Log Summary: 7 Mar 10	33	Unclassified		
PE 84		Intelink Log Summary: ACIC Doc	1	Unclassified		
PE 85		Intelink Log Summary: C3 and NCIS	6	Unclassified		
PE 86		Declaration: Martin Nehring	8	Unclassified		
PE 87		Declaration: Thomas Hoskins	20	Unclassified		
PE 88		CIDNE I Charged Documents_class.txt	103	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 89		CIDNE A Charged Documents_class.txt	55	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 90		Farah Charged Documents_class.txt	140	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 91		Farah Folder Screen Shots	6	Unclassified		
PE 92		SD Memory Card, DN 162019, Item 2 (Photo of SD Card Included in unclas Record)	1	Unclassified		Substitute, original stored with CID Evidence Custodian
PE 93		AR 25-2	103	Unclassified		
PE 94		AUP from 25-2 (as of 24 Oct 07)	4	Unclassified		
PE 95		Charged DABs_class.txt	18	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 96		Charged DABs with markings_class.txt	18	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 97		DoS Server Logs, DN 78 10_class (Photo of CD Included in unclas Record)	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 98		Charged DoS Cables_class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 99		NCIS IIR (Redacted)	5	Unclassified		
PE 100		Wget Tab	1	Unclassified		
PE 101		Backup.xlsx 0310 0410 Tab	1	Unclassified		
PE 102		Backup.xlsx	1	Unclassified		
PE 103		Legend for Alternatives Jeffrey Motes_class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 104		Bloop Folder Contents.pdf	1	Unclassified		
PE 105		Yada File Outside.pdf	1	Unclassified		

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 106		Stip of Expected Testimony: Jacob Grant	3	Unclassified		
PE 107		Stip of Expected Testimony: Florida White	3	Unclassified		
PE 108		CD of CENTCOM SharePoint Server Logs class (Photo of CD Included in unclas Record)	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 109		2009 WikiLeaks Most Wanted - Sort (Bates: 00410572)	12	Unclassified		
PE 110		2009 WikiLeaks Most Wanted - Sort (Bates: 00527888)	12	Unclassified		
PE 111a		Stip of Expected Testimony (Hoskins)_class.txt	4	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 111b		Stip of Expected Testimony: Thomas Hoskins (Redacted)	4	Unclassified		
PE 112		Stip of Expected Testimony: Martin Nehring	4	Unclassified		
PE 113		Stip of Expected Testimony: Debra Van Alstyne	2	Unclassified		
PE 114		IA Training Confirmation and Attestation	3	Unclassified		
PE 115		Stip of Expected Testimony: Wyatt Bora	4	Unclassified		
PE 116		Stip of Expected Testimony: Patrick Hoeffel	4	Unclassified		
PE 117		Stip of Expected Testimony: John Larue	2	Unclassified		
PE 118a		Stip of Expected Testimony (Travieso)_class.txt	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 118b		Stip of Expected Testimony: Louis Travieso (Redacted)	2	Unclassified		
PE 119		Stip of Expected Testimony: Jacqueline Scott	2	Unclassified		
PE 120		Buddy List from PFC Manning's Personal Mac Listing Press Association Contact Information	2	Unclassified		
PE 121		Filename of Apache Video Found in Unallocated File Clusters in PFC Manning's Personal Mac	1	Unclassified		
PE 122		GAL Extraction Tasker	1	Unclassified		
PE 123		Chats Recovered from PFC Manning's Personal Mac between Press Association and Dawgnetwork	13	Unclassified		
PE 124		Disc Recording Log from PFC Manning's Personal Mac	5	Unclassified		
PE 125		Disc Utility Log from PFC Manning's Personal Mac	13	Unclassified		

New Index of Exhibits as of
4 Mar 14 with Normalized Titles

Exhibit	#	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE	126a		Install Log from PFC Manning's Personal Mac Page 1	1	Unclassified		
PE	126b		Install Log from PFC Manning's Personal Mac Page 2	1	Unclassified		
PE	127		Volumes.txt	2	Unclassified		
PE	128		index.dat	23	Unclassified		
PE	129		CENTCOM SharePoint Summary.pdf	31	Unclassified		
PE	130		Excerpted Chat Log and Partial SAM File Hash Value for FTPUSER Password Access from .22	1	Unclassified		
PE	131		Stip of Expected Testimony: Jeffrey Motes	6	Unclassified		
PE	132		Stip of Expected Testimony: David Woods	3	Unclassified		
PE	133		Sworn Declaration of Louis Travieso	1	Unclassified		
PE	134		Stip of Expected Testimony: Robert Harward	5	Unclassified		
PE	135a		Stip of Expected Testimony: Cathryn Strobl	6	Unclassified		
PE	135b		Stip of Expected Testimony (Strobl).class.txt	6	Secret	Reason 2	stored in the classified supplement to the original ROT
PE	136		CD Containing CIAWire Logs.class.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE	137		Stip of Expected Testimony: Maxwell Allen	4	Unclassified		
PE	138		User account info for bmanning from OSC	1	Unclassified		
PE	139		User Account info for bradass87 on OSC	1	Unclassified		
PE	140		Logs for bmanning from OSC	1	Unclassified		
PE	141		Logs for bradass87 from OSC	44	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE	142		Stip of Expected Testimony (Bigelow)	2	Unclassified		
PE	143		Stip of Expected Testimony (Williamson)	5	Unclassified		
PE	144		Global Address List Extract Microsoft Excel Macro	2	Unclassified		
PE	145		Global Address List Outlook Macro	2	Unclassified		
PE	146		VBA Outlook write text file	2	Unclassified		
PE	147a		Global Address List Extract	20	Unclassified		
PE	147b		Global Address List 1st page (redacted)	1	Unclassified		
PE	148a		Global Address List email addresses	20	Unclassified		
PE	148b		Global Address List email addresses 1st page (redacted)	1	Unclassified		

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 149		Stip of Expected Testimony (Downey)	5	Unclassified		
PE 150		Stip of Expected Testimony (Thian)	2	Unclassified		
PE 151		Charged DoS Cables by MRN	1	Unclassified		
PE 152		Centaur Logs (Disc)	1	Unclassified		
PE 153a		Stip of Fact (UBL)	2	Unclassified		
PE 153b		Stip of Fact (UBL)	2	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 154		Index.dat document migration summary	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 155		Dot 22 Warning Banner	1	Unclassified		
PE 156		Dot 139 Warning Banner	1	Unclassified		
PE 157		Wget Summary from NIPRNET Internet History	1	Unclassified		
PE 158		Page 28 of Department of State server log summary	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 159		DoS Firewall Log Summary	1	Unclassified		
PE 160		Centaur Log Summary (Top 10 Activity)	1	Unclassified		
PE 161		Centaur Log Summary (Dates Present Missing)	3	Unclassified		
PE 162a		Stip of Expected Testimony (Janek)_redacted	4	Unclassified		
PE 162b		Stip of Expected Testimony (Janek)	4	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 163a		Stip of Expected Testimony (Mundy)_redacted	4	Unclassified		
PE 163b		Stip of Expected Testimony (Mundy)	4	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 164		List of Internet Addresses and Owning Agencies	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 165		EnCase screenshot of bradley.manning profile information (.22)	1	Unclassified		
PE 166		memo Bates number 00374994-00374996, Charged Document for spec 3 of Charge II	3	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 167		memo Bates number 00374990-00374993, Charged Document for spec 3 of Charge II	4	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 168		Disc ocs_youtube cm.wmv	1	Unclassified		
PE 169a		Stip of Expected Testimony (Feeley)	26	Unclassified		
PE 169b		Stip of Expected Testimony (Feeley)	26	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 169c		Charged Cables	126	Confidential	Reason 3	stored in the classified supplement to the original ROT

Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 170a		Stip of Expected Testimony (Moore)	10	Unclassified		
PE 170b		Stip of Expected Testimony (Moore)	10	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 170c		Charged Cables	40	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 171a		Stip of Expected Testimony (Pearce)	8	Unclassified		
PE 171b		Stip of Expected Testimony (Pearce)	8	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 171c		Charged Cables	26	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 172a		Stip of Expected Testimony (Pittman)	5	Unclassified		
PE 172b		Stip of Expected Testimony (Pittman)	5	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 172c		Charged Cables	13	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 173a		Stip of Expected Testimony (Seche Charged)	31	Unclassified		
PE 173b		Stip of Expected Testimony (Seche Charged)	31	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 173c		Charged Cables	149	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 174a		Stip of Expected Testimony (Seche uncharged)	3	Unclassified		
PE 174b		Stip of Expected Testimony (Seche uncharged)	3	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 174c		Uncharged Cables	36	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 175a		Stip of Expected Testimony (Yamamoto)	13	Unclassified		
PE 175b		Stip of Expected Testimony (Yamamoto)	13	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 175c		Charged Cables	46	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 176a		Stip of Expected Testimony (Yovanovitch)	24	Unclassified		
PE 176b		Stip of Expected Testimony (Yovanovitch)	24	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 176c		Charged Cables	99	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 177a		Stip of Expected Testimony (Yun)	13	Unclassified		
PE 177b		Stip of Expected Testimony (Yun)	13	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 177c		Charged Cables	48	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 178		Stip of Expected Testimony (Murphy)	18	Unclassified		

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Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE 179		Enc to Forensic Report of Personal Mac	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 180a		Stip of Expected Testimony - listed as Wit #3 on AE 479	6	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 180b		Stip of Expected Testimony (#3)	6	Unclassified		
PE 181a		Stip of Expected Testimony (#29)	7	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 181b		Stip of Expected Testimony (#29)	7	Unclassified		
PE 182		Stip of Fact (Gadahn)	2	Unclassified		
PE 183		Stip of Expected Testimony (Aboul Enein)	4	Unclassified		
PE 184		06Baghdad2646	3	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 185		06Suva489	5	Confidential	Reason 3	stored in the classified supplement to the original ROT
PE 186		The Good Soldiers, by David Finkel	296	Unclassified		
PE 187		Demonstrative Slides for SA Shaver	4	Unclassified		
PE 188		Prefetch	1	Unclassified		
PE 189		Wget Help	3	Unclassified		
PE 190		Unallocated space files	1	Unclassified		
PE 191		.bat	1	Unclassified		
PE 192		Favicons	1	Unclassified		
PE 193a		FaceBook WL Tweet	1	Unclassified		
PE 193b		FaceBook WL Tweet	1	Unclassified		
PE 193c		FaceBook WL Tweet	1	Unclassified		
PE 194a		Tweet Unallocated Clusters	1	Unclassified		
PE 194b		Tweet Unallocated Clusters	1	Unclassified		
PE 194c		Tweet Unallocated Clusters	1	Unclassified		
PE 195a		Collateral Murder Video Email to NY Times unallocated	1	Unclassified		
PE 195b		Collateral Murder Video Email to NY Times	1	Unclassified		
PE 196		SIGACT found in unallocated space of Personal Mac.txt	1	Secret	Reason 2	stored in the classified supplement to the original ROT
PE 197		Appeal of Administrative Reduction Board - Adkins	4	Unclassified		
PE 198		Biography of Elizabeth Dibble	1	Unclassified		
PE 199		Biography of John Feeley	1	Unclassified		
PE 200		Biography of Susan Swartz	1	Unclassified		
PE 201		Biography of Ambassador Kozak	1	Unclassified		
PE 202		Map of Pakistan	1	Unclassified		
PE 203		JIEDDO C-IED Operations PowerPoint	20	Secret	Reason 2	stored in the classified supplement to the original ROT

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Exhibit #	Exhibit Enclosure	Normalized Title	Page #	Class Level	Reason For Sealing	Location
PE	204	Mental Health Records of Manning (by Leibman)	2	Unclassified	Reason 4	stored in the original ROT
PE	205	Email from Bradley Manning to Tyler Watkins, 28 Nov 09	1	Unclassified		
PE	206	List of emails between Danny Clark and Accused, w/ emails attached	33	Unclassified		
PE	207	OTR file showing people contacted using encryption	1	Unclassified		
PE	208	Chats found in unallocated space between Clark and Accused	1	Unclassified		
PE	209	Slip of Expected Testimony SA Shaver, 16 Aug 13	2	Unclassified		

From: Lind, Denise R COL USARMY (US)
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Wednesday, December 18, 2013 11:12:01 AM

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Government proposed COAs are approved. Please include this email chain as an AE with earlier emails regarding authentication.

Thank you.
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, December 17, 2013 10:55 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Government is standing by to make the changes to the index and record based on the below COAs. Currently we have Mr. Prather scheduled to be in our office Friday morning to finish sealing all outstanding issues, but can push him after the New Year if needed.

v/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, December 12, 2013 3:49 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2

USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

Received. Thank you. Defense - do you have any objections to the Government's proposed COA?

Thank you.
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, December 11, 2013 11:38 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good morning. This email serves as an update to the status of the ROT and its index. Below is the update, recommended COAs to fix any issues, and an explanation of how we propose to normalize the index in the ROT. I apologize ahead of time for the length of this email.

Over the past three weeks, the trial counsel reviewed each appellate exhibit to ensure the index accurately reflected the correct enclosures to appellate exhibits. Overall, the majority of the information was correct; however, we found a few administrative discrepancies as annotated below. Additionally, in order to prepare the ROT Index, the trial counsel normalized/standardized the listing in the index to make it easier to read and understand the many different documents. The ROT index will have the same information as the index for AE 666, but not the enclosures to motions listed. Our methodology for normalization is described below and the side-by-side comparison of the old index titles and proposed index titles are attached and explained below.

First- Recommend Updates to the Index. If there were any enclosures or attachments not annotated in the index or not in the court reporter boxes, then we pulled them from the emailed filings sent to the Court from the parties, which is already in the record at AE 661a (all the parties and Court's emails).

1. AE 6 is the defense bill of particulars and did not actually have enclosures; however, the index and record contains 2 enclosures which belong

to a different motion. COA: Remove ENC 1 and ENC 2 from AE 6.

2. AE 14 is the government response to the defense bill of particulars and it had 3 enclosures and ENC 1 was unclassified with a classified supplement. What is currently identified as ENC 1 is only the classified supplement to ENC 1 and not the entire ENC 1. COA: Add the full ENC 1 to AE 14 and change "ENC 1" on the index to ENC 1 Supplement (which is already sealed).

3. AE 22 is the defense supplemental motion for appropriate relief under MRE 505 and had 2 attachments- ATT A and ATT B. ATT A is not on the index. ATT A was an email exchange with 10 pages (attached to this email).

COA: Add ATT A to the index.

4. AE 97 is the government response to defense motion to compel discovery #2 and only had 1 enclosure. The index lists 5 enclosures and those enclosures belonged to a different motion. COA: Delete the 5 listed enclosures on the index for AE 97 and add the correct enclosure (attached to this email) to AE 97.

5. AE 122 is the Court's order for State Department witnesses. The index references an "email chain"; however, there is not an email chain in the record. The Court ruled on this issue between sessions and sent out her ruling as part of a larger email chain. COA: Add the email chain that accompanied the Court's ruling (attached to this email) to the index as AE 122 Email.

6. AE 152 is the defense addendum to its motion to compel discovery #2 and had 1 attachment. The attachment is not on the index but was filed by the defense (attached to this email). COA: Add ATT A to the index.

7. AE 252 is the government disclosure to the defense under MRE 505 and had 4 enclosures. Enclosure 4 is not listed on the index. COA: Add ENC 4 to the index.

8. AEs 279 - 281 are the Quantico emails and each is a separate CD/DVD. AE 279 and 280 are copies of the emails the government produced to the defense (batch 1 and 2 respectively). AE 281 is a CD of the emails provided to the Court for in camera review. AE 281 is sealed by the Court. In the original filing, the Government provided the Court with hard copies of all these emails and not a CD. Upon review of the unsealed CD/DVDs (AE 279 and AE 280), the disk marked AE 279 appears to be the in camera emails, and not batch 1 or what is supposed to be AE 279. COA: The government temporarily unseals AE 281 to verify the contents of the CD/DVD. If the CD

contains the emails provided to the Court ex parte, then the disk will be prepared to be re-sealed by Mr. Prather. If the contents of the sealed CD are not accurate, then prepare a new disk with the same contents from what is currently marked as AE 279. Regardless of the contents of AE 281, recreate AE 279 with the accurate information and have that CD prepared to be marked AE 279.

9. AE 339 is the government's speedy trial response. Enclosure 72 was the government's request for a protective order for the CID regulation. On the record the Court identified the request as enclosure 72. The request had 2 enclosures for which the regulation itself was ENC 2. The index does not include this request. COA: Add the full request to ENC 72 of AE 339.

10. AE 477 is the government's motion to protect John Doe. During an ex parte MRE 505 hearing, the government updated the motion with a new enclosure 10 (updated), and added enclosures 12 and 13. COA: Add ENC 10, Updated, ENC 12, and ENC 13 to the Index and have Mr. Prather seal them based on reasons 2 and 7.

11. The index reflects AE 495 having ATT A & ATT B, but the actual AE did not have those attachments. Rather AE 495A and AE 495B were marked. COA: On the index, change AE 495 ATT A to AE 495A; AE 495 ATT B to AE 495B; and AE 495 ATT B ENC to AE 495B ENC.

12. AE 501 were all the charged documents for which the accused pled guilty. Each set of charged documents were placed behind tabs, yet the index reflects these being enclosures. COA: On the index, change "ENC" to "TAB".

13. AE 661a are all the emails between the parties and the Court. Included in these emails are documents that have already been sealed by the Court for multiple reasons. COA: Seal AE 661a for reasons 4, 5, 6, and 8.

Second- Recommended normalization of the index for the ROT. Below is a summary of the common changes made to standardize the index for the ROT.

1. The date for each motion or filing was added to the exhibit, i.e. Gov Motion for Relief, 25 Jun 12

2. For classified documents or unclassified version of classified documents, "(class)" or "(unclas)" was added to the listing.

3. For redacted versions of a filing, "(redacted)" was added to the listing.

4. For each listing, the name was updated to track as closely as possible to the actual caption in the filing, rather than having generic titles.

5. If a filing contained "attachments" vice "enclosures" and vice versa, the reference name was changed to track more accurately to the original reference name.

6. All rulings were changed to start with "Ruling:".

7. All orders were changed to start with "Order:".

8. "Prosecution" and its variants were changed to "Gov".

9. "Defense" and its variants were changed to "Def".

10. "Attachment" and its variants were changed to "Att".

11. "Enclosure" and its variants were changed to "Enc".

12. "Request" and its variants were changed to "Req".

13. "Addendum" and its variants were changed to "Add".

14. "Propose" and its variants were changed to "Prop".

15. "Supplement" and its variants were changed to "Supp".

16. "Response" and its variants were changed to "Resp".

17. "Reply" and its variants were changed to "Repl".

18. "Stipulation" and its variants were changed to "Stip".

Attached to this email are the following 4 files pertaining to the index:

1. "Index as of 10 Oct 13.pdf" which is the last approved index to compare with the proposed COAs listed above.

2. "Index as of 11 Dec 13.pdf" which is the index incorporating the above proposed COAs and which can be compared against the previous index.

3. "Normalized Titles Comparison.pdf" is a copy of the 11 Dec 13 proposed index showing the old titles of documents side-by-side with the proposed normalized titles.

4. "Normalized Index as of 11 Dec 13.pdf" is a final index that incorporates in the proposed changes above and the normalized names. If all the above is approved, then this will be the most current final index.

V/r

MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Monday, October 28, 2013 2:50 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

I concur.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, October 28, 2013 11:26 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good afternoon. Pursuant to the COA proposed below and with your concurrence, the United States will affix this email chain along with the updated index to AE 666. AE 666 will encompass the Court's omnibus sealing order, the attached index dated 28 Oct 13, and this email chain.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 24, 2013 3:27 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

That's fine.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Wednesday, October 23, 2013 10:10 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In reference to your instruction below- rather than prepare a supplemental order could the United States just update the Master Index to reflect that AE 39, Enclosure 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8, and then have Mr. Prather seal those documents when he completes the other outstanding tasks already approved by the Court? This would be consistent with the other changes.

Thank you.

v/r
MAJ Fein

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Tuesday, October 22, 2013 3:49 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

For whatever reason, I did not receive your initial email. I did receive this second email. I have reviewed the Government's request, and the Defense does not have any objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Tuesday, October 22, 2013 3:15 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

I received the attached undeliverable message for Mr. Coombs. If I'm reading the message correctly, his server is rejecting my email address. MAJ Hurley and/or CPT Tooman, please ensure Mr. Coombs receives the below email.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 22, 2013 3:11 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Defense - is there any objection? If not, Government, prepare a supplemental seal order for the below exhibits for my signature.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Tuesday, October 22, 2013 2:52 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In preparing the ROT, we identified additional copies of documents that were in the record under different exhibits and sealed under AE 666. AE 39, Enclosures 4 and 5 are the protective orders, etc., that still remain sealed in the Article III Courts and the subject matter for which this Court issued protective orders. Additionally, AE 543, Enclosure 2 is 5 CD/DVDs containing all unclassified discovery produced in this case and that serve as the basis for sealing under reasons 4-8 of the Court's order. The information on these 5 CD/DVDs is commingled amongst more than 3,000 digital files. COA: The United States proposes that AE 39, Enclosures 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8.

v/r

MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Thursday, October 10, 2013 1:51 PM

To: David Coombs; Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Ellen, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct 13" is granted. Please include the entire email chain regarding changes to the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarialdefense.com>]
Sent: Thursday, October 10, 2013 1:09 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmarialdefense.com
www.armycourtmarialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Thursday, October 10, 2013 10:33 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);
McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense - any objection?

D

DENISE R. LIND
COL, JA

Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 10, 2013 10:18 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The United States finished all scans of the exhibits and reconciling them against the updated Master Index. Unfortunately there is only one remaining discrepancy and that was a single document found that needs to be added to the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be substituted with the attached "New Master Index as of 10 Oct 13." The only change from the previously approved update is that the above-referenced enclosure is added as a new line. With this last correction, we will be ready to send the exhibits to print.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 07, 2013 12:45 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please include this email chain with the seal order/index AE.

D

DENISE R. LIND

COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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or use of this information may be unlawful and is prohibited.***

-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);
McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense, any objection to the Government recommendations?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 01, 2013 12:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, September 30, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Sunday, September 29, 2013 9:59 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joc) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the

Court.

6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: [Lind, Denise R COL USARMY \(US\)](#)
Cc: [David Coombs](#); [Hurley, Thomas F MAJ USARMY \(US\)](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III MAJ USARMY USAMDW \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY USAMDW \(US\)](#); [Jorns, Claire V SGT USARMY MDW \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HODA \(US\)](#)
Bcc: [Agar, James R \(Jim\) COL USARMY USAMDW \(US\)](#); [Golden, Paul F Jr LTC USARMY USAMDW \(US\)](#); [Autry, Carolyn D CIV \(US\)](#); [Mcneal, Gary P MAJ USARMY MDW \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Wednesday, December 11, 2013 11:36:00 AM
Attachments: [AE_022_ATT_A.PDF](#)
[AE_097_ENC.PDF](#)
[AE_122_EMAIL.PDF](#)
[AE_152_ATT.PDF](#)
[Index as of 10 Oct 13.pdf](#)
[Index as of 11 Dec 13.pdf](#)
[Normalized Index as of 11 Dec 13.pdf](#)
[Normalized Titles Comparison.pdf](#)

Ma'am,

Good morning. This email serves as an update to the status of the ROT and its index. Below is the update, recommended COAs to fix any issues, and an explanation of how we propose to normalize the index in the ROT. I apologize ahead of time for the length of this email.

Over the past three weeks, the trial counsel reviewed each appellate exhibit to ensure the index accurately reflected the correct enclosures to appellate exhibits. Overall, the majority of the information was correct; however, we found a few administrative discrepancies as annotated below. Additionally, in order to prepare the ROT Index, the trial counsel normalized/standardized the listing in the index to make it easier to read and understand the many different documents. The ROT index will have the same information as the index for AE 666, but not the enclosures to motions listed. Our methodology for normalization is described below and the side-by-side comparison of the old index titles and proposed index titles are attached and explained below.

First- Recommend Updates to the Index. If there were any enclosures or attachments not annotated in the index or not in the court reporter boxes, then we pulled them from the emailed filings sent to the Court from the parties, which is already in the record at AE 661a (all the parties and Court's emails).

1. AE 6 is the defense bill of particulars and did not actually have enclosures; however, the index and record contains 2 enclosures which belong to a different motion. COA: Remove ENC 1 and ENC 2 from AE 6.
2. AE 14 is the government response to the defense bill of particulars and it had 3 enclosures and ENC 1 was unclassified with a classified supplement. What is currently identified as ENC 1 is only the classified supplement to ENC 1 and not the entire ENC 1. COA: Add the full ENC 1 to AE 14 and change "ENC 1" on the index to ENC 1 Supplement (which is already sealed).

3. AE 22 is the defense supplemental motion for appropriate relief under MRE 505 and had 2 attachments- ATT A and ATT B. ATT A is not on the index. ATT A was an email exchange with 10 pages (attached to this email).

COA: Add ATT A to the index.

4. AE 97 is the government response to defense motion to compel discovery #2 and only had 1 enclosure. The index lists 5 enclosures and those enclosures belonged to a different motion. COA: Delete the 5 listed enclosures on the index for AE 97 and add the correct enclosure (attached to this email) to AE 97.

5. AE 122 is the Court's order for State Department witnesses. The index references an "email chain"; however, there is not an email chain in the record. The Court ruled on this issue between sessions and sent out her ruling as part of a larger email chain. COA: Add the email chain that accompanied the Court's ruling (attached to this email) to the index as AE 122 Email.

6. AE 152 is the defense addendum to its motion to compel discovery #2 and had 1 attachment. The attachment is not on the index but was filed by the defense (attached to this email). COA: Add ATT A to the index.

7. AE 252 is the government disclosure to the defense under MRE 505 and had 4 enclosures. Enclosure 4 is not listed on the index. COA: Add ENC 4 to the index.

8. AEs 279 - 281 are the Quantico emails and each is a separate CD/DVD. AE 279 and 280 are copies of the emails the government produced to the defense (batch 1 and 2 respectively). AE 281 is a CD of the emails provided to the Court for in camera review. AE 281 is sealed by the Court. In the original filing, the Government provided the Court with hard copies of all these emails and not a CD. Upon review of the unsealed CD/DVDs (AE 279 and AE 280), the disk marked AE 279 appears to be the in camera emails, and not batch 1 or what is supposed to be AE 279. COA: The government temporarily unseals AE 281 to verify the contents of the CD/DVD. If the CD contains the emails provided to the Court ex parte, then the disk will be prepared to be re-sealed by Mr. Prather. If the contents of the sealed CD are not accurate, then prepare a new disk with the same contents from what is currently marked as AE 279. Regardless of the contents of AE 281, recreate AE 279 with the accurate information and have that CD prepared to be marked AE 279.

9. AE 339 is the government's speedy trial response. Enclosure 72 was the government's request for a protective order for the CID regulation. On the record the Court identified the request as enclosure 72. The request had 2 enclosures for which the regulation itself was ENC 2. The index does

not include this request. COA: Add the full request to ENC 72 of AE 339.

10. AE 477 is the government's motion to protect John Doe. During an ex parte MRE 505 hearing, the government updated the motion with a new enclosure 10 (updated), and added enclosures 12 and 13. COA: Add ENC 10_Updated, ENC 12, and ENC 13 to the Index and have Mr. Prather seal them based on reasons 2 and 7.

11. The index reflects AE 495 having ATT A & ATT B, but the actual AE did not have those attachments. Rather AE 495A and AE 495B were marked. COA: On the index, change AE 495 ATT A to AE 495A; AE 495 ATT B to AE 495B; and AE 495 ATT B ENC to AE 495B ENC.

12. AE 501 were all the charged documents for which the accused pled guilty. Each set of charged documents were placed behind tabs, yet the index reflects these being enclosures. COA: On the index, change "ENC" to "TAB".

13. AE 661a are all the emails between the parties and the Court. Included in these emails are documents that have already been sealed by the Court for multiple reasons. COA: Seal AE 661a for reasons 4, 5, 6, and 8.

Second- Recommended normalization of the index for the ROT. Below is a summary of the common changes made to standardize the index for the ROT.

1. The date for each motion or filing was added to the exhibit, i.e. Gov Motion for Relief, 25 Jun 12

2. For classified documents or unclassified version of classified documents, "(class)" or "(unclas)" was added to the listing.

3. For redacted versions of a filing, "(redacted)" was added to the listing.

4. For each listing, the name was updated to track as closely as possible to the actual caption in the filing, rather than having generic titles.

5. If a filing contained "attachments" vice "enclosures" and vice

versa, the reference name was changed to track more accurately to the original reference name.

6. All rulings were changed to start with "Ruling:".
7. All orders were changed to start with "Order:".
8. "Prosecution" and its variants were changed to "Gov".
9. "Defense" and its variants were changed to "Def".
10. "Attachment" and its variants were changed to "Att".
11. "Enclosure" and its variants were changed to "Enc".
12. "Request" and its variants were changed to "Req".
13. "Addendum" and its variants were changed to "Add".
14. "Propose" and its variants were changed to "Prop".
15. "Supplement" and its variants were changed to "Supp".
16. "Response" and its variants were changed to "Resp".
17. "Reply" and its variants were changed to "Repl".
18. "Stipulation" and its variants were changed to "Stip".

Attached to this email are the following 4 files pertaining to the index:

1. "Index as of 10 Oct 13.pdf" which is the last approved index to compare with the proposed COAs listed above.
2. "Index as of 11 Dec 13.pdf" which is the index incorporating the above proposed COAs and which can be compared against the previous index.
3. "Normalized Titles Comparison.pdf" is a copy of the 11 Dec 13 proposed index showing the old titles of documents side-by-side with the proposed normalized titles.
4. "Normalized Index as of 11 Dec 13.pdf" is a final index that incorporates in the proposed changes above and the normalized names. If all the above is approved, then this will be the most current final index.

V/r

MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 28, 2013 2:50 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

I concur.

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, October 28, 2013 11:26 AM

To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good afternoon. Pursuant to the COA proposed below and with your concurrence, the United States will affix this email chain along with the updated index to AE 666. AE 666 will encompass the Court's omnibus sealing order, the attached index dated 28 Oct 13, and this email chain.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 24, 2013 3:27 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

That's fine.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, October 23, 2013 10:10 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In reference to your instruction below- rather than prepare a supplemental order could the United States just update the Master Index to reflect that

AE 39, Enclosure 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8, and then have Mr. Prather seal those documents when he completes the other outstanding tasks already approved by the Court? This would be consistent with the other changes.

Thank you.

v/r
MAJ Fein

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Tuesday, October 22, 2013 3:49 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

For whatever reason, I did not receive your initial email. I did receive this second email. I have reviewed the Government's request, and the Defense does not have any objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Tuesday, October 22, 2013 3:15 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

I received the attached undeliverable message for Mr. Coombs. If I'm reading the message correctly, his server is rejecting my email address. MAJ Hurley and/or CPT Tooman, please ensure Mr. Coombs receives the below email.

D

DENISE R. LIND

COL, JA

Military Judge

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Tuesday, October 22, 2013 3:11 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Defense - is there any objection? If not, Government, prepare a supplemental seal order for the below exhibits for my signature.

D

DENISE R. LIND

COL, JA

Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Tuesday, October 22, 2013 2:52 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In preparing the ROT, we identified additional copies of documents that were in the record under different exhibits and sealed under AE 666. AE 39, Enclosures 4 and 5 are the protective orders, etc., that still remain sealed in the Article III Courts and the subject matter for which this Court issued protective orders. Additionally, AE 543, Enclosure 2 is 5 CD/DVDs containing all unclassified discovery produced in this case and that serve as the basis for sealing under reasons 4-8 of the Court's order. The information on these 5 CD/DVDs is commingled amongst more than 3,000 digital files. COA: The United States proposes that AE 39, Enclosures 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 10, 2013 1:51 PM
To: David Coombs; Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct 13" is granted. Please include the entire email chain regarding changes to the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarshaldefense.com>]
Sent: Thursday, October 10, 2013 1:09 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Thursday, October 10, 2013 10:33 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense - any objection?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 10, 2013 10:18 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);

McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The United States finished all scans of the exhibits and reconciling them against the updated Master Index. Unfortunately there is only one remaining discrepancy and that was a single document found that needs to be added to the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be substituted with the attached "New Master Index as of 10 Oct 13." The only change from the previously approved update is that the above-referenced enclosure is added as a new line. With this last correction, we will be ready to send the exhibits to print.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 07, 2013 12:45 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please include this email chain with the seal order/index AE.

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarshalfdefense.com>]
Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire

V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense, any objection to the Government recommendations?

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r

MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r

MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Tuesday, October 01, 2013 12:37 AM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r

MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Monday, September 30, 2013 9:23 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Sunday, September 29, 2013 9:59 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.
6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/t

MAJ Fein

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: [Lind, Denise R COL USARMY \(US\)](#)
To: [Fein, Ashden MAJ USARMY MDW \(US\)](#)
Cc: [David Coombs; Hurley, Thomas F MAJ USARMY \(US\); Tooman, Joshua J CPT USARMY \(US\); Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\); von Elten, Alexander S \(Alec\) CPT USARMY \(US\); Jorns, Claire V SGT USARMY \(US\); Clark, Derek D SGT USARMY USAMDW \(US\); McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\); Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Monday, October 28, 2013 2:50:16 PM

Classification: UNCLASSIFIED
Caveats: NONE

I concur.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, October 28, 2013 11:26 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good afternoon. Pursuant to the COA proposed below and with your concurrence, the United States will affix this email chain along with the updated index to AE 666. AE 666 will encompass the Court's omnibus sealing order, the attached index dated 28 Oct 13, and this email chain.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 24, 2013 3:27 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

That's fine.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, October 23, 2013 10:10 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In reference to your instruction below- rather than prepare a supplemental order could the United States just update the Master Index to reflect that AE 39, Enclosure 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8, and then have Mr. Prather seal those documents when he completes the other outstanding tasks already approved by the Court? This would be consistent with the other changes.

Thank you.

v/r
MAJ Fein

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarshdefense.com>]
Sent: Tuesday, October 22, 2013 3:49 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

For whatever reason, I did not receive your initial email. I did receive this second email. I have reviewed the Government's request, and the Defense does not have any objection.

v/r
David

David E. Coombs, Esq.

Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Tuesday, October 22, 2013 3:15 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

I received the attached undeliverable message for Mr. Coombs. If I'm reading the message correctly, his server is rejecting my email address. MAJ Hurley and/or CPT Tooman, please ensure Mr. Coombs receives the below email.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 22, 2013 3:11 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Defense - is there any objection? If not, Government, prepare a supplemental seal order for the below exhibits for my signature.

D

DENISE R. LIND

COL, JA

Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Tuesday, October 22, 2013 2:52 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In preparing the ROT, we identified additional copies of documents that were in the record under different exhibits and sealed under AE 666. AE 39, Enclosures 4 and 5 are the protective orders, etc., that still remain sealed in the Article III Courts and the subject matter for which this Court issued protective orders. Additionally, AE 543, Enclosure 2 is 5 CD/DVDs containing all unclassified discovery produced in this case and that serve as the basis for sealing under reasons 4-8 of the Court's order. The information on these 5 CD/DVDs is commingled amongst more than 3,000 digital files. COA: The United States proposes that AE 39, Enclosures 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8.

v/r

MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Thursday, October 10, 2013 1:51 PM

To: David Coombs; Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct 13" is granted. Please include the entire email chain regarding changes to the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Thursday, October 10, 2013 1:09 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Thursday, October 10, 2013 10:33 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);

McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense - any objection?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 10, 2013 10:18 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);
McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The United States finished all scans of the exhibits and reconciling them
against the updated Master Index. Unfortunately there is only one remaining
discrepancy and that was a single document found that needs to be added to
the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be
substituted with the attached "New Master Index as of 10 Oct 13." The only
change from the previously approved update is that the above-referenced
enclosure is added as a new line. With this last correction, we will be
ready to send the exhibits to print.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 07, 2013 12:45 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,

Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please include this email chain with the seal order/index AE.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtartialdefense.com>]
Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense, any objection to the Government recommendations?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 01, 2013 12:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, September 30, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, September 29, 2013 9:59 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The

Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.

4. The Defense has completed 80% of the errata for all completed transcripts.

5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.

6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r

MAJ Fein

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: [Fein, Ashden MAJ USARMY MDW \(US\)](#)
To: [Lind, Denise R COL USARMY \(US\)](#)
Cc: [David Coombs; Hurley, Thomas F MAJ USARMY \(US\); Tooman, Joshua J CPT USARMY \(US\); Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\); von Elten, Alexander S \(Alec\) CPT USARMY \(US\); Jorns, Claire V SGT USARMY \(US\); Clark, Derek D SGT USARMY USAMDW \(US\); McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\); Prather, Jay R CIV USARMY HQDA \(US\)](#)
Bcc: [Agar, James R \(Jim\) COL USARMY USAMDW \(US\); Golden, Paul E Jr LTC USARMY USAMDW \(US\); Mcneal, Gary P MAJ USARMY \(US\); Autry, Carolyn D CIV \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Monday, October 28, 2013 11:25:00 AM
Attachments: [New Master Index as of 28 Oct 13.pdf](#)
[New Master Index as of 10 Oct 13.pdf](#)

Ma'am,

Good afternoon. Pursuant to the COA proposed below and with your concurrence, the United States will affix this email chain along with the updated index to AE 666. AE 666 will encompass the Court's omnibus sealing order, the attached index dated 28 Oct 13, and this email chain.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 24, 2013 3:27 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

That's fine.

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, October 23, 2013 10:10 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In reference to your instruction below- rather than prepare a supplemental order could the United States just update the Master Index to reflect that AE 39, Enclosure 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8, and then have Mr. Prather seal those documents when he completes the other outstanding tasks already approved by the Court? This would be consistent with the other changes.

Thank you.

v/r
MAJ Fein

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarialdefense.com>]
Sent: Tuesday, October 22, 2013 3:49 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

For whatever reason, I did not receive your initial email. I did receive this second email. I have reviewed the Government's request, and the Defense does not have any objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmarialdefense.com
www.armycourtmarialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Tuesday, October 22, 2013 3:15 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

I received the attached undeliverable message for Mr. Coombs. If I'm reading the message correctly, his server is rejecting my email address. MAJ Hurley and/or CPT Tooman, please ensure Mr. Coombs receives the below email.

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 22, 2013 3:11 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Defense - is there any objection? If not, Government, prepare a supplemental seal order for the below exhibits for my signature.

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 22, 2013 2:52 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark,

Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY
USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In preparing the ROT, we identified additional copies of documents that were in the record under different exhibits and sealed under AE 666. AE 39, Enclosures 4 and 5 are the protective orders, etc., that still remain sealed in the Article III Courts and the subject matter for which this Court issued protective orders. Additionally, AE 543, Enclosure 2 is 5 CD/DVDs containing all unclassified discovery produced in this case and that serve as the basis for sealing under reasons 4-8 of the Court's order. The information on these 5 CD/DVDs is commingled amongst more than 3,000 digital files. COA: The United States proposes that AE 39, Enclosures 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 10, 2013 1:51 PM
To: David Coombs; Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct 13" is granted. Please include the entire email chain regarding changes to the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarshaldefense.com>]
Sent: Thursday, October 10, 2013 1:09 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire

V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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notify the sender and delete all copies. Unauthorized disclosure, copying
or use of this information may be unlawful and is prohibited.***

-----Original Message-----

From: Lind, Denise R COL USARMY (US) [mailto:denise.r.lind.mil@mail.mil]
Sent: Thursday, October 10, 2013 10:33 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);
McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense - any objection?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 10, 2013 10:18 AM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The United States finished all scans of the exhibits and reconciling them against the updated Master Index. Unfortunately there is only one remaining discrepancy and that was a single document found that needs to be added to the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be substituted with the attached "New Master Index as of 10 Oct 13." The only change from the previously approved update is that the above-referenced enclosure is added as a new line. With this last correction, we will be ready to send the exhibits to print.

V/r

MAJ Fein

From: Lind, Denise R COL USARMY (US)

Sent: Monday, October 07, 2013 12:45 PM

To: David Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please include this email chain with the seal order/index AE.

D

DENISE R. LIND

COL, JA

Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarshialdefense.com>]

Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);
McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense, any objection to the Government
recommendations?

D

DENISE R. LIND
COL, JA

Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT

USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 01, 2013 12:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, September 30, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, September 29, 2013 9:59 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.
6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any

other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [Lind, Denise R COL USARMY \(US\)](#)
To: [Fein, Ashden MAJ USARMY MDW \(US\)](#)
Cc: [David Coombs; Hurley, Thomas F MAJ USARMY \(US\); Tooman, Joshua J CPT USARMY \(US\); Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\); von Elten, Alexander S \(Alec\) CPT USARMY \(US\); Jorns, Claire V SGT USARMY \(US\); Clark, Derek D SGT USARMY USAMDW \(US\); McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\); Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Thursday, October 24, 2013 3:27:23 PM

Classification: UNCLASSIFIED
Caveats: NONE

That's fine.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, October 23, 2013 10:10 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In reference to your instruction below- rather than prepare a supplemental order could the United States just update the Master Index to reflect that AE 39, Enclosure 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8, and then have Mr. Prather seal those documents when he completes the other outstanding tasks already approved by the Court? This would be consistent with the other changes.

Thank you.

v/r
MAJ Fein

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarialdefense.com>]
Sent: Tuesday, October 22, 2013 3:49 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

For whatever reason, I did not receive your initial email. I did receive this second email. I have reviewed the Government's request, and the Defense does not have any objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmarialdefense.com
www.armycourtmarialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Tuesday, October 22, 2013 3:15 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

I received the attached undeliverable message for Mr. Coombs. If I'm reading the message correctly, his server is rejecting my email address. MAJ Hurley and/or CPT Tooman, please ensure Mr. Coombs receives the below email.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 22, 2013 3:11 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Defense - is there any objection? If not, Government, prepare a supplemental seal order for the below exhibits for my signature.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 22, 2013 2:52 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

In preparing the ROT, we identified additional copies of documents that were in the record under different exhibits and sealed under AE 666. AE 39, Enclosures 4 and 5 are the protective orders, etc., that still remain sealed in the Article III Courts and the subject matter for which this Court issued protective orders. Additionally, AE 543, Enclosure 2 is 5 CD/DVDs containing all unclassified discovery produced in this case and that serve as the basis for sealing under reasons 4-8 of the Court's order. The information on these 5 CD/DVDs is commingled amongst more than 3,000 digital files. COA: The United States proposes that AE 39, Enclosures 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 10, 2013 1:51 PM
To: David Coombs; Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct
13" is granted. Please include the entire email chain regarding changes to
the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarialdefense.com>]

Sent: Thursday, October 10, 2013 1:09 PM

To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);

Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S

(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire

V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary

Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmarialdefense.com
www.armycourtmarialdefense.com

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person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Thursday, October 10, 2013 10:33 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Defense - any objection?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 10, 2013 10:18 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The United States finished all scans of the exhibits and reconciling them against the updated Master Index. Unfortunately there is only one remaining discrepancy and that was a single document found that needs to be added to the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be substituted with the attached "New Master Index as of 10 Oct 13." The only change from the previously approved update is that the above-referenced enclosure is added as a new line. With this last correction, we will be ready to send the exhibits to print.

V/r

MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 07, 2013 12:45 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please
include this email chain with the seal order/index AE.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarialdefense.com>]
Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense, any objection to the Government recommendations?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Thursday, October 03, 2013 10:18 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r

MAJ Fein

From: Lind, Denise R COL USARMY (US)

Sent: Tuesday, October 01, 2013 1:16 PM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Tuesday, October 01, 2013 12:37 AM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, September 30, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, September 29, 2013 9:59 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.
6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

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Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [Fein, Ashden MAJ USARMY MDW \(US\)](#)
To: [Lind, Denise R COL USARMY \(US\)](#); [gary.p.mcneal.mil@mail.mil](#)
Cc: [David Coombs; Hurley, Thomas F MAJ USARMY \(US\)](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY \(US\)](#); [Jorns, Claire V SGT USARMY \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HQDA \(US\)](#)
Bcc: [Golden, Paul F Jr LTC USARMY USAMDW \(US\)](#); [Agar, James R \(Jim\) COL USARMY USAMDW \(US\)](#); [Mcneal, Gary P MAJ USARMY \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Tuesday, October 22, 2013 2:51:00 PM

Ma'am,

In preparing the ROT, we identified additional copies of documents that were in the record under different exhibits and sealed under AE 666. AE 39, Enclosures 4 and 5 are the protective orders, etc., that still remain sealed in the Article III Courts and the subject matter for which this Court issued protective orders. Additionally, AE 543, Enclosure 2 is 5 CD/DVDs containing all unclassified discovery produced in this case and that serve as the basis for sealing under reasons 4-8 of the Court's order. The information on these 5 CD/DVDs is commingled amongst more than 3,000 digital files. COA: The United States proposes that AE 39, Enclosures 4 and 5 be sealed for Reason 6 and AE 543, Enclosure 2 be sealed for reasons 4-8.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, October 10, 2013 1:51 PM
To: David Coombs; Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct 13" is granted. Please include the entire email chain regarding changes to the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtartialdefense.com>]

Sent: Thursday, October 10, 2013 1:09 PM

To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);

Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S

(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire

V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary

Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtartialdefense.com

www.armycourtartialdefense.com

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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]

Sent: Thursday, October 10, 2013 10:33 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT

USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,

Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);

Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);

McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV

USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Defense - any objection?

D

DENISE R. LIND

COL., JA

Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Thursday, October 10, 2013 10:18 AM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The United States finished all scans of the exhibits and reconciling them against the updated Master Index. Unfortunately there is only one remaining discrepancy and that was a single document found that needs to be added to the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be substituted with the attached "New Master Index as of 10 Oct 13." The only change from the previously approved update is that the above-referenced enclosure is added as a new line. With this last correction, we will be ready to send the exhibits to print.

V/r

MAJ Fein

From: Lind, Denise R COL USARMY (US)

Sent: Monday, October 07, 2013 12:45 PM

To: David Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please include this email chain with the seal order/index AE.

D

DENISE R. LIND

COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourt martialdefense.com>]
Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT
USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten,
Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);
Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US);
McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV
USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense, any objection to the Government recommendations?

D

DENISE R. LIND
COL., JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 01, 2013 12:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, September 30, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Sunday, September 29, 2013 9:59 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the

Court.

6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [Lind, Denise R COL USARMY \(US\)](#)
To: [David Coombs](#); [Fein, Ashden MAJ USARMY MDW \(US\)](#)
Cc: [Hurley, Thomas F MAJ USARMY \(US\)](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY \(US\)](#); [Mitroka, Katherine F CPT USARMY \(US\)](#); [Jorns, Claire V SGT USARMY \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Thursday, October 10, 2013 1:51:14 PM

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Government's proposed substitution of the "New Master Index as of 10 Oct 13" is granted. Please include the entire email chain regarding changes to the index as part of the AE.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs (<mailto:coombs@armycourtartialdefense.com>)
Sent: Thursday, October 10, 2013 1:09 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Thursday, October 10, 2013 10:33 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Ellen, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Defense - any objection?

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DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 10, 2013 10:18 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Ellen, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

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V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 07, 2013 12:45 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you. The Government proposed recommendations are approved. Please
include this email chain with the seal order/index AE.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarshaldefense.com>]
Sent: Monday, October 07, 2013 12:35 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S
(Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire
V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,
Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]
Sent: Monday, October 07, 2013 11:57 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Received. Thank you. Defense, any objection to the Government recommendations?

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DENISE R. LIND
COL, JA
Military Judge

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From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, October 06, 2013 11:03 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

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V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

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DENISE R. LIND
COL, JA
Military Judge

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Attached are two additional days of transcripts for counsel errata.

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3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.
6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

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Caveats: NONE

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Bcc: [Agar, James R \(Jim\) COL USARMY USAMDW \(US\); Golden, Paul F Jr LTC USARMY USAMDW \(US\); Taliaferro, Nicholas C SFC USARMY USAMDW \(US\); McNeal, Gary P MAJ USARMY \(US\); Aulry, Carolyn D CIV \(US\); Mitroka, Katherine F CPT USARMY \(US\); Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\); von Elten, Alexander S \(Alec\) CPT USARMY \(US\); Clark, Derek D SGT USARMY USAMDW \(US\); Jorns, Claire V SGT USARMY \(US\); McLamb, Amber M SGT USARMY MDW \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Thursday, October 10, 2013 10:17:41 AM
Attachments: [AE_252_ENC_004.pdf](#)
[New Master Index as of 3 Oct 13.pdf](#)
[New Master Index as of 10 Oct 13.pdf](#)

Ma'am,

The United States finished all scans of the exhibits and reconciling them against the updated Master Index. Unfortunately there is only one remaining discrepancy and that was a single document found that needs to be added to the index. Attached is a copy and it was marked as Encl 4 to AE 252.

The United States proposes the attached "New Master Index as of 3 Oct 13" be substituted with the attached "New Master Index as of 10 Oct 13." The only change from the previously approved update is that the above-referenced enclosure is added as a new line. With this last correction, we will be ready to send the exhibits to print.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Monday, October 07, 2013 12:45 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

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DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

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V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary

Hernandez CW2 USARMY USAMDW (US); Fein, Ashden MAJ USARMY MDW (US); Prather,

Jay R CIV USARMY HQDA (US)

Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

No objection.

v/r

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

combs@armycourtartialdefense.com

www.armycourtartialdefense.com

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Sent: Monday, October 07, 2013 11:57 AM

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Classification: UNCLASSIFIED

Caveats: NONE

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Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
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Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Monday, October 07, 2013 12:45:42 PM

Classification: UNCLASSIFIED
Caveats: NONE

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No objection.

v/r
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Law Office of David E. Coombs
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Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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sessions. We expect four days of transcription by COB tomorrow.

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3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.

4. The Defense has completed 80% of the errata for all completed transcripts.

5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.

6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: [Lind, Denise R COL USARMY \(US\)](#)
Cc: [David Coombs; Hurley, Thomas F MAJ USARMY \(US\); Tooman, Joshua J CPT USARMY \(US\); Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\); von Elten, Alexander S \(Alec\) CPT USARMY \(US\); Mitroka, Katherine F CPT USARMY \(US\); Jorns, Claire V SGT USARMY \(US\); Clark, Derek D SGT USARMY USAMDW \(US\); McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\); Prather, Jay R CIV USARMY HQDA \(US\)](#)
Bcc: [Agor, James R \(Jim\) COL USARMY USAMDW \(US\); Golden, Paul E Jr LTC USARMY USAMDW \(US\)](#)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Sunday, October 06, 2013 9:58:00 PM
Attachments: [New Master Index as of 3 Oct 13.pdf](#)
[Old Master Index as of 3 Oct 13.pdf](#)

Ma'am,

Attached are the enclosures to the MFR sent last Thursday. The "New Master Index" file reflects the recommendations made by the paralegals.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, October 03, 2013 10:18 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r
MAJ Fein

From: Lind, Denise R COL USARMY (US)
Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, October 01, 2013 12:37 AM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Ma'am,

Attached are two additional days of transcripts for counsel errata.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, September 30, 2013 9:23 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you. Please keep me updated weekly.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Sunday, September 29, 2013 9:59 PM

To: Lind, Denise R COL USARMY (US)

Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: Transcript and Errata Update

Ma'am,

Good evening. This email serves as an update for the (1) transcriptions; (2) counsel errata; (3) Court errata; and (4) master index issues.

As of this evening:

1. The contract court reporters have only nine days remaining for open sessions. We expect four days of transcription by COB tomorrow.
2. The command is still waiting on the civilian hires to come on board; however, with the a potential Government shutdown we will likely not be able to hire these individuals in the coming weeks. Once the transcripts are complete, then we will start pushing counsel errata to the contractors for them to complete.
3. The Government completed all errata for all completed transcripts. The Government also started going back through the inaudibles to reconcile them with the audio. We re-reviewed all transcripts for 2012, and will finish 2013 this week. Unfortunately, there are sections that are still inaudible and we will have the audio ready for the Court during your authentication of that transcript.
4. The Defense has completed 80% of the errata for all completed transcripts.
5. Based on not having court reporter support for the corrections process, the Government does not have any more completed transcripts with counsel corrections for the Court to authenticate. Once a court reporter is available, he/she will start the corrections process and we will notify the Court.
6. In preparing the ROT, the Government is having each exhibit in the file boxes digitally scanned. There are two separate teams that either scan the documents or inspect the scans to ensure accuracy and that every page is accounted for. During this process, the Government identified additional clerical errors in the master index. The Government already has SGT Jorns going through the boxes and annotating the page count discrepancies or any other issues. SGT Jorns intends to annotate each discrepancy and proposed remedial step in an MFR for which we will submit to the Court and defense for action.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Bcc: Agar, James R (Jim) COL USARMY USAMDW (US); Golden, Paul E Jr LTC USARMY USAMDW (US); Mcneal, Gary P MAJ USARMY (US); Autry, Carolyn D CIV (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)
Date: Thursday, October 03, 2013 10:18:08 PM
Attachments: [131003-MFR for Exhibits Accountability.pdf](#)

Ma'am,

Good evening. SGT Jorns with the help of SGT Clark completed her review of the record and the master index. This review occurred because as we received exhibits back with digital scanned versions, some of the page counts for the digital scans were different than what was listed on the master index. Attached is an MFR that accounts for the discrepancies and recommendations to fix the master index. Unfortunately I am having computer problems tonight and cannot send the enclosed spreadsheets. I will send them as soon as I can access the information.

V/r
MAJ Fein

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Sent: Tuesday, October 01, 2013 1:16 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

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Sent: Tuesday, October 01, 2013 12:37 AM
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Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV

USARMY HQDA (US)
Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

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Subject: RE: Transcript and Errata Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
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D

DENISE R. LIND
COL, JA
Military Judge

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Sent: Sunday, September 29, 2013 9:59 PM
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Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
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v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [Lind, Denise R COL USARMY \(US\)](#)
To: [Hurley, Thomas F MAJ USARMY \(US\)](#); [Fein, Ashden MAJ USARMY MDW \(US\)](#)
Cc: ["coombs@armycourt martialdefense.com"](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\)](#); [Overgaard, Angel M CPT USARMY \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY \(US\)](#); [Mitroka, Katherine F CPT USARMY \(US\)](#); [Ford, Arthur D Jr CW2 USARMY \(US\)](#); [Jorns, Claire V SGT USARMY \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)
Date: Friday, September 20, 2013 4:48:58 PM

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Government proposed COA for the exhibits referenced in the 19 September 2013, 4:14 pm email is granted. Please have the court reporter include this email chain with the omnibus seal order and index AE.

Thank you,

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Thursday, September 19, 2013 12:18 PM
To: Fein, Ashden MAJ USARMY MDW (US); Lind, Denise R COL USARMY (US)
Cc: ["coombs@armycourt martialdefense.com"](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\)](#); [Overgaard, Angel M CPT USARMY \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY \(US\)](#); [Mitroka, Katherine F CPT USARMY \(US\)](#); [Ford, Arthur D Jr CW2 USARMY \(US\)](#); [Jorns, Claire V SGT USARMY \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Ma'am

The Defense has no objection to these procedures.

v/r

MAJ Hurley

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Thursday, September 19, 2013 4:14 PM
To: Lind, Denise R COL USARMY (US)
Cc: 'coombs@armycourt martialdefense.com'; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: Re: Index of Exhibits with Seal Order (UNCLASSIFIED)

Ma'am,

Mr. Prather does not have to but as a master of the Court he did the physical sealing for all items, classified or not. This would be for consistency and because he would be coming to our office anyways for the AE512 re-seal.

Vr
MAJ Fein

----- Original Message -----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, September 19, 2013 11:59 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs <coombs@armycourt martialdefense.com>; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

Defense - any objection to below?
Government - re: number 5 - why does Mr. Prather have to seal the RCM 706 report or anything else not sealed for reasons of classification?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, September 18, 2013 6:07 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard,

Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Ma'am,

In an effort to finalize the ROT while the transcripts are still being completed, the paralegals and I went through the entire ROT over the past 3 days to insert placeholders for all exhibits which are sealed and those exhibits that are not documentary (i.e. CD/DVDs, books, CD cases, etc.). When doing so we did one last check of the master index to ensure each placeholder accurately depicts the item, page numbers, and reason for classification. Below are the minor discrepancies we found with a proposed course of action (COA) for each. Attached is the original index and, if the COAs are ordered, then the updated index.

1. AE 140 had one enclosure. On the index the motion and enclosure are listed separately, although both sealed for the same reason. They were actually sealed together in the same envelope. COA: Mr. Prather re-seal each item separately IAW index.
2. AE 368 has 16 enclosures. Enclosures 3, 4, 7, 8, and 12 are listed on the index as 3a, 3b, 4a, 4b, 7a, 7b, 8a, 8b, 12a, and 12b; however, the motion did not break down the enclosures in to "a" and "b," just the number with no letter. The enclosures without letters were sealed as Enclosures 3, 4, 7, 8, and 12. COA: Leave the enclosures sealed as they were filed without "a" or "b", and update the index to reflect the accurate total page count for each number and delete the references to "a" and "b."
3. AE 398 has 20 enclosures. The index lists the enclosure as a "CD" which is accurate; however it should reflect the CD containing Enclosures 1-20. COA: Update index to reflect "Enclosures 1-20" as a single line entry vice "Enclosure."
4. AE 449 has 5 enclosures, the first 4 are unclassified and were filed on a single CD/DVD. The index reflects CD/DVD per enclosure, when they are all actually on the same CD/DVD. COA: Combine Enclosures 1-4 onto one line on the index to reflect only one CD/DVD.
5. AE 657b is the redacted long form RCM 706 report. The unredacted long form was sealed. The index reflects it being sealed; however it was not actually sealed. We have already received requests from within the USG for a copy, for which we denied based on it being sealed. COA: Have Mr. Prather seal this when he fixes AE 512 (previous issue described below) and change the title in the index to reflect the exact document.
6. PE 11, 12, 13, 14, and 92 were originally classified hard drives/SD card for which the Court granted photographic substitutes for the record, therefore the actual exhibits in the record are not classified. The substituted photographs are unclassified and not presently sealed. COA: Their classification on the index be changed to "unclassified" and the reference to them being sealed be deleted. The location be updated to reflect the original being stored with CID evidence custodian.

v/r

MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Friday, September 06, 2013 11:27 AM

To: David Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka,
Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns,
Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather,
Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

The Government recommendation in 4 September 2013, 1045 email is approved.

Add this email chain as an attachment to the index for the seal order.

D

DENISE R. LIND

COL, JA

Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourtmarialdefense.com>]

Sent: Thursday, September 05, 2013 9:06 PM

To: Lind, Denise R COL USARMY (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka,
Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns,
Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather,
Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtartialdefense.com

www.armycourtartialdefense.com <<http://www.armycourtartialdefense.com/>>

Confidentiality Notice: This transmission, including attachments, may contain confidential attorney-client information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.

-----Original Message-----

From: Lind, Denise R COL USARMY (US) [<mailto:denise.r.lind.mil@mail.mil>]

Sent: Thursday, September 05, 2013 11:12 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Cc: coombs@armycourtartialdefense.com; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Defense - any objection?

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Wednesday, September 04, 2013 10:45 AM

To: Lind, Denise R COL USARMY (US)

Cc: coombs@armycourtartialdefense.com; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Ma'am,

The government reviewed the enclosures and realized what occurred. In an effort to make the table of contents as detailed as possible, we created the term "Tab" for Enclosure 1. "Tab" was not part of the motion or any litigation. The attached updated spreadsheet only shows Enclosures 1 and 2. Enclosure 1 contained multiple documents and they were all classified and submitted ex parte. Enclosure 2 was not submitted ex parte and is unclassified, and therefore should not be sealed.

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v/r
MAJ Fein

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From: Lind, Denise R COL USARMY (US)
Sent: Wednesday, August 28, 2013 11:07 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

1. Defense - any objection?
2. Government - review AE 512, Enclosure 1, Tabs 1,2, 4, and 5 and confirm that these tabs were filed ex parte with the Court.

Thank you.

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DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

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Comm: 301-677-3919
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Bcc: Agar, James R (Jim) COL USARMY USAMDW (US); Golden, Paul E Jr LTC USARMY USAMDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US); Taliaferro, Nicholas C SFC USARMY USAMDW (US); Boardman, Gerald W CIV (US)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)
Date: Wednesday, September 18, 2013 6:06:00 PM
Attachments: [Master List as of 4 Sep 13.xlsx](#)
[Master List as of 4 Sep 13.pdf](#)
[Master List as of 18 Sep 13.xlsx](#)
[Master List as of 18 Sep 13.pdf](#)

Ma'am,

In an effort to finalize the ROT while the transcripts are still being completed, the paralegals and I went through the entire ROT over the past 3 days to insert placeholders for all exhibits which are sealed and those exhibits that are not documentary (i.e. CD/DVDs, books, CD cases, etc.). When doing so we did one last check of the master index to ensure each placeholder accurately depicts the item, page numbers, and reason for classification. Below are the minor discrepancies we found with a proposed course of action (COA) for each. Attached is the original index and, if the COAs are ordered, then the updated index.

1. AE 140 had one enclosure. On the index the motion and enclosure are listed separately, although both sealed for the same reason. They were actually sealed together in the same envelope. COA: Mr. Prather re-seal each item separately IAW index.
2. AE 368 has 16 enclosures. Enclosures 3, 4, 7, 8, and 12 are listed on the index as 3a, 3b, 4a, 4b, 7a, 7b, 8a, 8b, 12a, and 12b; however, the motion did not break down the enclosures in to "a" and "b," just the number with no letter. The enclosures without letters were sealed as Enclosures 3, 4, 7, 8, and 12. COA: Leave the enclosures sealed as they were filed without "a" or "b", and update the index to reflect the accurate total page count for each number and delete the references to "a" and "b."
3. AE 398 has 20 enclosures. The index lists the enclosure as a "CD" which is accurate; however it should reflect the CD containing Enclosures 1-20. COA: Update index to reflect "Enclosures 1-20" as a single line entry vice "Enclosure."
4. AE 449 has 5 enclosures, the first 4 are unclassified and were filed on a single CD/DVD. The index reflects CD/DVD per enclosure, when they are all actually on the same CD/DVD. COA: Combine Enclosures 1-4 onto one line on the index to reflect only one CD/DVD.
5. AE 657b is the redacted long form RCM 706 report. The unredacted long form was sealed. The index reflects it being sealed; however it was not actually sealed. We have already received requests from within the USG for a copy, for which we denied based on it being sealed. COA: Have Mr. Prather seal this when he fixes AE 512 (previous issue described below) and change the title in the index to reflect the exact document.
6. PE 11, 12, 13, 14, and 92 were originally classified hard drives/SD card for which the Court granted photographic substitutes for the record, therefore the actual exhibits in the record are not classified. The substituted photographs are unclassified and not presently sealed. COA: Their classification on the index be changed to "unclassified" and the reference to them being sealed be deleted. The location be updated to reflect the original being stored with CID evidence custodian.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)

Sent: Friday, September 06, 2013 11:27 AM

To: David Coombs

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)

Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

The Government recommendation in 4 September 2013, 1045 email is approved.

Add this email chain as an attachment to the index for the seal order.

D

DENISE R. LIND

COL, JA

Military Judge

-----Original Message-----

From: David Coombs [<mailto:coombs@armycourt martialdefense.com>]

Sent: Thursday, September 05, 2013 9:06 PM

To: Lind, Denise R COL USARMY (US)

Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US); Fein, Ashden MAJ USARMY MDW (US)

Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Ma'am,

The Defense has no objection.

v/r

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourt martialdefense.com

www.armycourt martialdefense.com

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Sent: Thursday, September 05, 2013 11:12 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
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Defense - any objection?

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DENISE R. LIND
COL, JA
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Sent: Wednesday, September 04, 2013 10:45 AM
To: Lind, Denise R COL USARMY (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)
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David E. Coombs, Esq.
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From: [Fein, Ashden MAJ USARMY MDW \(US\)](#)
To: [Lind, Denise R COL USARMY \(US\)](#)
Cc: [coombs@armycourtmarshaldefense.com](#); [Hurley, Thomas F MAJ USARMY \(US\)](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\)](#); [Overgaard, Angel M CPT USARMY \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY \(US\)](#); [Mitroka, Katherine F CPT USARMY \(US\)](#); [Ford, Arthur D Jr CW2 USARMY \(US\)](#); [Jorns, Claire V SGT USARMY \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)
Date: Wednesday, September 04, 2013 10:45:00 AM
Attachments: [Master List as of 4 Sep 13.pdf](#)
[Master List as of 4 Sep 13.xlsx](#)

Ma'am,

The government reviewed the enclosures and realized what occurred. In an effort to make the table of contents as detailed as possible, we created the term "Tab" for Enclosure 1. "Tab" was not part of the motion or any litigation. The attached updated spreadsheet only shows Enclosures 1 and 2. Enclosure 1 contained multiple documents and they were all classified and submitted ex parte. Enclosure 2 was not submitted ex parte and is unclassified, and therefore should not be sealed.

We recommend that the attached be the final version for the seal order, the classified documents within Tabs 3, 4, and 5 be resealed as one enclosure - "Enclosure 1" and that Tabs 1 and 2 be inserted back into the original record as Enclosure 2.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Wednesday, August 28, 2013 11:07 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: [coombs@armycourtmarshaldefense.com](#); [Hurley, Thomas F MAJ USARMY \(US\)](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III CPT USARMY USAMDW \(US\)](#); [Overgaard, Angel M CPT USARMY \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY \(US\)](#); [Mitroka, Katherine F CPT USARMY \(US\)](#); [Ford, Arthur D Jr CW2 USARMY \(US\)](#); [Jorns, Claire V SGT USARMY \(US\)](#); [Clark, Derek D SGT USARMY USAMDW \(US\)](#); [Prather, Jay R CIV USARMY HQDA \(US\)](#)
Subject: RE: Index of Exhibits with Seal Order (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

1. Defense - any objection?
2. Government - review AE 512, Enclosure 1, Tabs 1,2, 4, and 5 and confirm that these tabs were filed ex parte with the Court.

Thank you.

D

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Friday, August 23, 2013 11:56 AM

To: Lind, Denise R COL USARMY (US)

Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Jorns, Claire V SGT USARMY (US); Clark, Derek D SGT USARMY USAMDW (US); Prather, Jay R CIV USARMY HQDA (US)

Subject: Index of Exhibits with Seal Order

Ma'am,

Good afternoon. Mr. Prather and the paralegals completed the physical sealing of all the exhibits a few minutes ago. During this, Chief Ford realized that a few of the exhibits were mismarked on the index, but none of listings effects the actual sealing.

The United States requests to substitute the attached updated Master List with the previous Master List because it more accurately reflects the actual documents. Attached is the original index and the proposed updated index.

Below is a summary of the changes.

v/r

MAJ Fein

-----Original Message-----

From: Ford, Arthur D Jr CW2 USARMY (US)

Sent: Friday, August 23, 2013 11:09 AM

To: Fein, Ashden MAJ USARMY MDW (US)

Subject: Index of Exhibits (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

I had to make a few minor changes to the index list, as follows:

The Tabs in Enclosure 1 to AE 512 were not accurate on the index.

AE 512, Enclosure 1, Tab 1 is Unclassified, Sealed for Reason 7 (Government), and stored with the original ROT not classified "SECRET", Sealed for Reason 2 and Reason 7 (Government), and stored in the classified supplement to the original ROT

AE 512, Enclosure 1, Tab 2 is Unclassified, Sealed for Reason 7 (Government), and stored with the original ROT not classified "SECRET", Sealed for Reason 2 and Reason 7 (Government), and stored in the classified supplement to the original ROT

AE 512, Enclosure 1, Tab 4 is Classified "SECRET", Sealed for Reason 2 and Reason 7 (Government), and stored in the classified supplement to the original ROT not Unclassified, Sealed for Reason 8, and stored with the original ROT

AE 512, Enclosure 1, Tab 5 is Classified "SECRET", Sealed for Reason 2 and Reason 7 (Government), and stored in the classified supplement to the original ROT not Unclassified, Sealed for Reason 8, and stored with the original ROT

PE 173b is classified "SECRET", sealed for Reason 2 not classified "CONFIDENTIAL", sealed for Reason 3

PE 173c is classified "SECRET", sealed for Reason 2 not classified "CONFIDENTIAL", sealed for Reason 3

None of these changes adds a requirement to seal anything new. Everything listed was already sealed. The old list and the new list are attached for comparison. Thanks, Sir.

Chief

V/R,

Arthur Ford
CW2, JA
Legal Administrator
Comm: 301-677-3919
Cell: 703-864-9896

Classification: UNCLASSIFIED
Caveats: NONE

Appellate Exhibit 666
Enclosure Digital Emails
with Attachments
has been entered into the
record as a CD/DVD and will
be maintained with the
original Record of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

OMNIBUS
SEAL ORDER

17 January 2014

1. In accordance with Rule for Courts-Martial (RCM) 1103A, the transcripts of proceedings listed in the table below will be sealed in the record of trial for one or more of the following reasons:

a. **Reason 1:** The proceeding is classified above the SECRET level, including TOP SECRET, SENSITIVE COMPARTMENTED INFORMATION, or the proceeding is subject to special control measures.

b. **Reason 2:** The proceeding is classified at the SECRET level.

c. **Reason 3:** The proceeding is classified at the CONFIDENTIAL level.

d. **Reason 4:** The proceeding was conducted *ex parte* or *in camera* with the Court on motion of one or both of the parties.

2. Findings.

a. **Reasons 1-3.** The Government's interest in protecting the national security of the United States and preventing the dissemination of classified information is an overriding interest that will be prejudiced by public access to the classified transcripts. *Snepp v. United States*, 444 U.S. 507, 509 n. 3 (1980). The subject matter of the sealed transcripts was previously reviewed by an original classification authority (OCA) or was reviewed in accordance with the Court's Order at AE 550 to conduct classification reviews of witness testimony and release a redacted version of such testimony to the public. Declarations submitted in accordance with MRE 505(k)(1)(B) can be found at AE 542. The sealing of classified transcripts is narrowly tailored to ensure that only properly classified transcripts are sealed. The transcripts of proceedings will be sealed in the record of trial in accordance with RCM 1103A, RCM 1104(b)(1)(D), and MRE 505(k)(1)(B) (2013). If an OCA determines that any portion of the record is classified and has not been identified for seal in the table below, that portion of the record shall be sealed under this order in accordance with Reasons 1-3 above.

b. **Reason 4.** The Court has reviewed each transcript proposed for seal under Reason 4 and has determined for each proceeding that the party's interest in protecting the information in the transcripts from public disclosure is an overriding interest that will be prejudiced if the transcript is not placed under seal. Sealing of these transcripts is narrowly tailored to ensure that only transcripts meeting the criteria set forth in Reason 4 are sealed. These transcripts will be sealed in accordance with RCM 1103A.

c. There is no alternative to sealing the transcripts identified below that is adequate to protect the Government or Defense's overriding interest in protecting the information from public disclosure.

d. The following transcripts will be sealed pursuant to this Order and the reasons annotated next to the session:

Session	Purpose	Reason
6 June 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 1 and 4
29 August 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 1 and 4
30 August 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 1 and 4
2 October 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 2, 3, and 4
12 October 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 2, 3, and 4
17 October 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 2, 3, and 4
8 November 2012, Session 1	<i>ex parte</i> motion by Government	Reasons 2, 3, and 4
8 November 2012, Session 2	<i>ex parte</i> motion by Government	Reasons 2, 3, and 4
27 February 2013, Session 1	Classified closed session	Reasons 2 and 3
1 March 2013, Session 1	Classified closed session	Reasons 2 and 3
8 March 2013, Session 1	<i>ex parte</i> motion by Government	Reasons 2 and 4
10 April 2013, Session 1	<i>ex parte</i> motion by Government	Reasons 2 and 4
8 May 2013, Session 1	Classified closed session	Reasons 2 and 3
26 June 2013, Session 1	Classified closed session	Reasons 2 and 3
1 July 2013, Session 1	Classified closed session	Reasons 2 and 3
2 July 2013, Session 1	Classified closed session	Reasons 2 and 3
2 July 2013, Session 2	Classified closed session	Reasons 2 and 3
31 July 2013, Session 1	Classified closed session	Reasons 2 and 3
1 August 2013, Session 1	Classified closed session	Reasons 2 and 3
1 August 2013, Session 2	Classified closed session	Reasons 2 and 3
2 August 2013, Session 1	Classified closed session	Reasons 2 and 3
6 August 2013, Session 1	Classified closed session	Reasons 2 and 3
6 August 2013, Session 2	Classified closed session	Reasons 2 and 3
7 August 2013, Session 1	Classified closed session	Reasons 2 and 3
7 August 2013, Session 2	Classified closed session	Reasons 2 and 3
9 August 2013, Session 1	Classified closed session	Reasons 2 and 3
9 August 2013, Session 2	Classified closed session	Reasons 2 and 3
13 August 2013, Session 1	<i>ex parte</i> motion by Defense	Reason 4

3. Procedures for handling classified materials:

a. Trial counsel will create a classified supplement to the record of trial that accounts for each classified transcript. Trial counsel will clearly identify in the record of trial where classified transcripts are maintained by using placeholders for the classified transcripts. The classified supplement will accompany the original unclassified record of trial. For those transcripts which fall under the Court's Order at AE 550, Trial Counsel will add the unclassified and redacted version into the record of trial following the placeholder.

b. The Court Security Officer shall cause a proper security classification to be assigned to the supplement to the record of trial, to each classified transcript, and to each page of the record of trial in which classified information appears, in accordance with RCM 1103(h). The Court Security Officer will ensure that the sealed transcripts are properly marked, to include an annotation on each that the transcript was sealed by order of the military judge, prior to insertion into the original record of trial.

c. Transcripts classified above the SECRET level, including TOP SECRET, SENSITIVE COMPARTMENTED INFORMATION, will not accompany the record of trial to be stored with the Office of the Clerk of Court. These transcripts will be stored in a dedicated two-drawer safe, located in the Litigation Division of the Central Intelligence Agency, as described in AE 500.

4. For unclassified materials, trial counsel shall ensure that the sealed transcripts are properly marked, including an annotation on each portion that the transcript was sealed by order of the military judge prior to insertion into the original record of trial.

5. Unless authorized by a – c below, sealed transcripts will not be opened or examined. The classified transcripts contain national security information. This classified information shall be handled in a manner consistent with Executive Order 13526. An individual's access to the classified information in these transcripts is subject to the following: having the appropriate security clearance; signing an approved non-disclosure agreement; having a need-to-know the information; and acknowledging the Judicial Protective Order for Classified Information, dated 6 March 2012.

a. Prior to authentication of the record by the military judge, sealed materials may be examined upon order from the military judge based on good cause.

b. After authentication and prior to disposition of the record of trial pursuant to RCM 1111, sealed materials may be examined upon order issued from the military judge upon a showing of good cause at a post-trial Article 39(a) session directed by the Convening Authority.

c. Reviewing and appellate authorities may examine sealed matters when those authorities determine that such action is reasonably necessary to a proper fulfillment of their responsibilities under the Uniform Code of Military Justice, the Manual for Courts-Martial, governing directives, instructions, regulations, and applicable rules of professional responsibility.

6. No person authorized to examine sealed transcripts shall photocopy, photograph, duplicate, or disclose the contents of the sealed transcript in the absence of an order by a military judge, the Judge Advocate General or designee, or an appellate court or other court of competent jurisdiction.

ORDERED, this the 17th day of January 2014.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

From: [Lind, Denise R COL USARMY \(US\)](#)
To: [Lind, Denise R COL USARMY \(US\)](#); [Fein, Ashden MAJ USARMY MDW \(US\)](#)
Cc: [Hurley, Thomas F MAJ USARMY \(US\)](#); ["coombs@armycourtartialdefense.com"](#); ["Hurley, Thomas F MAJ MIL USA OSD"](#); [Tooman, Joshua J CPT USARMY \(US\)](#); [Morrow, JoDean \(Joe\) III MAJ USARMY USAMDW \(US\)](#); [von Elten, Alexander S \(Alec\) CPT USARMY USAMDW \(US\)](#); [Jorns, Claire V SGT USARMY MDW \(US\)](#); [McGuire, Rosemary Hernandez CW2 USARMY USAMDW \(US\)](#)
Subject: Signed seal order - ex parte/classified transcripts (UNCLASSIFIED)
Date: Friday, January 17, 2014 4:29:23 PM
Attachments: [document2014-01-17-162403.pdf](#)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

Please find signed seal order attached. The original is in my chambers.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Thursday, January 16, 2014 4:59 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Hurley, Thomas F MAJ USARMY (US); [coombs@armycourtartialdefense.com](#);
Hurley, Thomas F MAJ MIL USA OSD; Tooman, Joshua J CPT USARMY (US); Morrow,
JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT
USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Counsel,

Received. Thank you. Defense, please advise by 1500 tomorrow, 17 January
2014, if you have any objection to the proposed seal order for
ex-parte/classified transcripts.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)

Sent: Wednesday, January 15, 2014 12:30 PM
To: Lind, Denise R COL USARMY (US)
Cc: Hurley, Thomas F MAJ USARMY (US); coombs@armycourt martialdefense.com;
Hurley, Thomas F MAJ MIL USA OSD; Tooman, Joshua J CPT USARMY (US); Morrow,
JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT
USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); McGuire, Rosemary
Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Ma'am,

Attached is the Government's proposed seal order for ex parte and/or
classified transcripts, along with proposed placeholders for the
transcripts.

The Government proposes that if the parties agree, that this seal order be
marked as AE 667 and the final email chain be attached as an enclosure to
the order.

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, January 15, 2014 10:36 AM
To: Hurley, Thomas F MAJ USARMY (US); Lind, Denise R COL USARMY (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ MIL USA OSD;
Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW
(US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V
SGT USARMY MDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Ma'am,

Based on this email, the Government will incorporate the audio proof changes
and create a draft final transcript for QA/QC. Then we will send that
transcript out to the parties and Court for QA/QC. We finalizing a draft
sealing order for all ex parte or classified closed sessions. We expect to
send out the draft before lunch today which will include draft placeholders
for those transcripts in the record.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ USARMY (US)
Sent: Wednesday, January 15, 2014 8:55 AM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ MIL USA OSD;
Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW
(US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V
SGT USARMY MDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Ma'am/Government

The defense does not anticipate having any additional changes to the RoT.
CPT Tooman and I are happy to help/participate in the QA/QC process.

v/r

MAJ Hurley

From: Lind, Denise R COL USARMY (US)
Sent: Monday, January 13, 2014 10:22 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US);
Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ MIL USA OSD; Tooman,
Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US);
von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT
USARMY MDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

Received. Thank you. I have reviewed and approved the attached errata.
Defense, please advise the Government if you have any additional changes NLT
Friday, 17 January 2014.

Thank you,
D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, January 13, 2014 1:06 PM
To: Lind, Denise R COL USARMY (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US);
Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ MIL USA OSD; Tooman,
Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US);
von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT
USARMY MDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Ma'am,

The audio proofing for all transcript segments with more than 1 page of Court errata is complete. All changes were annotated by the trial counsel and contract court reporter on the attached errata forms and are provided to the Court and defense for review. If there are no further changes and after the Court's approval, we will start compiling the final combined transcript and conduct our QA/QC.

v/r
MAJ Fein

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, January 06, 2014 3:55 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ MIL USA OSD; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US)
Subject: RE: Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Received. Thank you.

D

DENISE R. LIND
COL, JA
Military Judge

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, January 06, 2014 3:39 PM
To: Lind, Denise R COL USARMY (US)
Cc: coombs@armycourt martialdefense.com; Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ USARMY (US); Hurley, Thomas F MAJ MIL USA OSD; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III MAJ USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY USAMDW (US); Jorns, Claire V SGT USARMY MDW (US); McGuire, Rosemary Hernandez CW2 USARMY USAMDW (US)
Subject: Update

Ma'am,

Good afternoon and Happy New Year! This email serves as an update on the compilation of the ROT.

1. The contract court reporter finished making all the Court's corrections.
2. As per the Court's instructions and prior to the Holidays, Trial Counsel started reviewing transcripts for which the Court had more than 1 page of errata and found many corrections that still needed to be made. In order to ensure accuracy and increase efficiency in this review, we identified that

those transcripts should be audio proofed rather than just reviewed. There were 20 transcripts that met the criteria. The audio proofing is still ongoing and should be completed by COB this Friday, 10 Jan 14. All changes will be annotated by the trial counsel and contract court reporter on errata forms and provided to the Court and defense for review, prior to authentication.

3. Assuming the audio proofing is finished by COB Friday and the Court approves the changes, the transcript will be compiled early next week, combined with the classified sessions, and paginated. Once this process is completed, MAJ Fein and MAJ Morrow will spend 1 duty day to conduct a final QA/QC of the combined transcript, annotating any additional changes. The changes will be provided to the Court and defense for review, prior to authentication.

4. The ROT index draft is complete, but must have page numbers from the transcript added. Presently, without page numbers added in for exhibits and testimony, the draft index is 51 pages long. Once the final paginated transcript is approved, then we estimate 5 duty days to complete the index.

5. After the index is completed, the ROT will be ready for the defense to examine. The Government needs to know which member of the defense will be responsible for reviewing the ROT, and we will coordinate directly with him for this examination.

6. Absent any changes that will be made after the defense's review, the ROT will be ready for authentication.

Based on the above and defense counsel availability for review, we estimate the record could be authenticated NLT 1 Feb 14.

Additionally, the government agencies and DOD commands continued over the Holidays reviewing the trial's closed sessions for public release. We estimate the unclassified versions will be ready by late January and will be included in the ROT.

v/r
MAJ Fein

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.
2. Judge advocate's review pursuant to Article 64(a), if any.
3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.
4. Briefs of counsel submitted after trial, if any (Article 38(c)).
5. DD Form 494, "Court-Martial Data Sheet."
6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.
7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

- a. Errata sheet, if any.
- b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.
- c. Record of proceedings in court, including Article 39(a) sessions, if any.
- d. Authentication sheet, followed by certificate of correction, if any.
- e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.
- f. Exhibits admitted in evidence.
- g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.
- h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.